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THE DEVELOPMENT OF SELF-RULE AND INDEPENDENCE IN BURMA, MALAYA AND THE PHILIPPINES

PART I. BURMA by John F. Cady
PART II. MALAYA by Patricia G. Barnett
PART III. THE PHILIPPINES by Shirley Jenkins

An interim report in a study of
progress toward self-government
and independence in
Southeast Asia.

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PREFACE.

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The three studies which comprise this report constitute part of a larger study of the development of self-government and independence in dependent and formerly dependent countries of the Pacific area. The original intention of the American Institute of Pacific Relations was to publish a single volume covering all of those areas, and including chapters on American policy with respect to dependencies and trusteeship. Because of the rapid development of nationalist movements and steps towards self-government or independence in many parts of the Far East, it has now been decided to issue the report of the project in several volumes. Those dealing with such important areas as Indonesia and Indochina will be published as books during 1948. Plans for completion of the volume on Indochina by Professor Lauriston Sharp and Miss Ellen Hammer are already well advanced. Arrangements are also being made for a volume on Indonesia by Professor Raymond Kennedy, Mr. Paul Kattenburg and Miss Jeanne Mintz.

The present volume dealing with Burma, Malaya and the Philippines provides a useful comparative sketch of the policies followed by the British and American Governments in fostering the development of self-government and independence under markedly differing conditions. The three essays do not claim to be comprehensive inquiries into the political development of the three areas, but it is hoped that they will serve a useful purpose in providing a concise comparative survey of the main lines of policy followed in three areas where the development of self-rule has proceeded in a more peaceful and orderly fashion than in such areas as Indochina and Indonesia.

Two of the authors, Mr. Cady and Mrs. Barnett, are members of the research division of the State Department and because of this they have not always been in a position to write as freely about certain controversial points as might otherwise have been the case. The American I.P.R. is grateful to them for their cooperation in revising and expanding earlier drafts of their reports. Thanks are also due to Mrs. Jenkins and to several other persons who kindly aided her in the preparation of the chapter on the Philippines. For a much more detailed analysis of recent American relations with the Philippines the reader may be referred to Mrs. Jenkins's mimeographed report, "United States Economic Policy towards the Philippine Republic" prepared for the Stratford Conference of the I.P.R. in September, 1947. A revised and enlarged version of this report is now being prepared for publication in book form by the American I.P.R., about March, 1948. Those readers who desire a full account of the development of Burma may be referred to the forthcoming volume, "An Economic Handbook of Burma", by J. Russell Andrus, to be published shortly for the American I.P.R by the Stanford University Press.

The American I.P.R. is deeply indebted to Mrs. Eleanor Lattimore for her excellent work as general editor of this project in its earlier stages. Thanks are also due to several members of the International Secretariat of the I.P.R., particularly to Mr. William L. Holland, Mr. Philip E. Lilienthal and Miss Mary F. Healy for assistance in editing and production of this report. Though it appears under the auspices of the American I.P.R., it should be emphasized that the authors alone are responsible for statements of fact, or opinion in their respective chapters.

New York.
January 5, 1948.

EDWARD C. CARTER
Executive Vice-Chairman
American Institute of Pacific Relations.

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PART I. BURMA

by

John F. Cady.

PART I. BURMA

ADMINISTRATIVE AND POLITICAL ASPECTS

Introduction

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This section of the study of Burma deals with the basic political problem facing the emerging Burman state, namely to establish a responsible government capable of making its will effective, commanding the respect and cooperation of the population, while preserving essential political and social liberties. The pre-war British administrative system, herein described, provides the inevitable pattern which Burmans will either follow or depart from in fashioning their own government. An analysis of the strength and weaknesses of that system is therefore pertinent to any consideration of the political future of an independent Burman state. Attention is also given to the development of Burman nationalism since the 1920's, particularly as it related to successive changes in British colonial rule, to the Japanese occupation, and to post-war political events. The second section traces the emergence and growth within Burma of the remarkable phenomenon of lawlessness, which stemmed from the decay of indigenous political and social institutions, the natural proclivities of the Burman male to react violently under emotional stress, and the tendency aggravated by rising nationalist feeling to regard Government as something alien to and apart from the people themselves. This established tradition of disrespect for governmental authority promises to persist to plague any successor Burman regime.

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I. GOVERNMENTAL STRUCTURE OF PRE-WAR BURMA

A. Executive Authority

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Executive authority in pre-war Burma emanated from the office of the Governor, who exercised plenary supervision over the entire field of the Civil Service. The office existed under Letters Patent issued by the British Crown in Council. The Secretary of State for India and Burma signed the Governor's Commission and Sign Manual, and also prepared his draft instructions. The Governor was personally responsible, therefore, to the Secretary of State, and the latter to the British Cabinet. Sovereignty resided in the Crown, all Burma officials being required to take the oath of allegiance to "the King, his Heirs, and Successors."

Under the Burma Constitution established by Act of Parliament in 1935, the Governor was accorded reserved, mandatory, and discretionary powers. Reserved to his control were the administration of the Shan States and other hill tracts, Anglican ecclesiastical affairs, military defense, foreign relations, and monetary policy. His mandatory responsibilities included the maintenance of peace and order, the safeguarding of Burma's financial stability and international credit, the prevention of oppression and discrimination against racial and religious minorities, protection of the legal rights and legitimate interests of members of the public service and their dependents, and the safeguarding of the

643 [645] commerce of the United Kingdom and India from penal or discriminatory action by Burma's tariff laws. To assist the Governor in performing duties reserved to his personal control and included under his special responsibilities, an Advocate General acted as legal adviser along with a financial adviser and staff (selected in consultation with the Finance Minister), and three counsellors. The Governor was himself the judge of the extent of his legal jurisdiction.(1) In the face of circumstances which, in the Governor's opinion, imperilled governmental authority, he was authorized (Article 139) to assume "all or any of the powers vested in or exercised by any body or authority in Burma."(2)

645 Cabinet Ministers under the 1935 Constitution were responsible to the House of Representatives. The Governor was directed, in choosing his Cabinet, to consult with the "person who in his judgment is most likely to command a stable majority in the Legislature." He was directed furthermore to foster a sense of joint responsibility among his Ministers, and not to relieve them arbitrarily of responsibilities properly their own. The Governor followed the advice of his Ministers in ordinary matters, but he was not obliged to do so if in his judgment their counsel appeared likely to jeopardize any of his delegated responsibilities. In such instances, he could not be required to cite any specific provision of the Act of 1935 to justify his decision.(3)

668 652 646 The essential conditions were lacking to make the Burmans regard the government as their own. They had not fashioned the Constitution and they lacked the powers by which they could change features of which they disapproved. The Legislature's control of the normal budget did not include the opportunity to force any limitation on the Governor's prerogatives by withholding funds, as had happened in American colonial history. Most of the important items of expenditure, connected with the servicing of the Meston settlement of Burma's foreign debt, the payment of civil service salaries and pensions, and defense expenditures, were entirely under the Governor's control, and his plenary prerogatives could compass any emergency situation.

B. The General Administrative System

631 Under the Governor were seven divisional Commissioners (for Mandalay, Sagaing, Magwe, Arakan, Pegu, Irrawaddy, and Tenasserim Divisions) with additional Commissioners in charge of the frontier areas and performing specialized governmental functions. Except in the Hill Tracts, where Commissioners exercised immediate executive and judicial authority, their functions were mainly supervisory in character. Burma Civil Servants as a rule could not aspire to such eminence, and the population was inclined to regard the Commissionerships as nonessential luxuries.

634 Basically more important than the Commissioners and second only to the Governor as a focal point of governmental authority were the Deputy Commissioners. They possessed considerable discretionary authority as the heads of Burma's thirty-five districts, embodying the sovereign authority of the Crown on the local level. Approximately half of the D.C. posts before the war were filled by
[563] Burman members of the civil service.

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(1) Parliamentary Papers, 1936-37, XX, "Draft Instrument of Instructions to the Governor of Burma", pp. 2-3.

(2) John Christian, Modern Burma, University of California Press, Berkeley, 1943, Chapter VI, and pp. 79-80, 102.

(3) Parliamentary Papers, op. cit., pp. 3, 5, 7.

634 [693] Burman members of the Civil Service. The Deputy Commissioners were the top criminal magistrates of their respective jurisdictions and handled all important cases in that category. They supervised financial and police administration, the local health and forestry services; they supported educational standards and maintained communications along the trunk-line highways. The Deputy Commissioner also presided over the periodic meetings of the elected District Councils. His arbitrament was usually final in differences arising over either policy or jurisdiction.

651 693 647 A score or more of officials of Deputy Commissioner rank were assigned specialized tasks not connected with general administrative supervision. Some were magistrates of district criminal courts; others supervised the collection of income taxes and land revenue. Approximately four-score Assistant Commissioners and Extra Assistant Commissioners aided in similar capacities and provided a pool from which future Deputy Commissioners could be drawn. The most promising of the younger indigenous recruits to the Civil Service could be found among the Assistant Commissioners.

647 632 Burman members of the Civil Service class II served as township Myooks (administrative officers). Their responsibilities were largely routine. The group included Deputy Myooks who constituted a trained reserve for replacement, leave, and emergency vacancies of the regular Myooks. The township officers were ordinarily the lowest salaried officials whose authority bore directly on the native population.(4)

648 The functional breakdown of bureaucratic responsibility was supervised by a central Secretariat at Rangoon, consisting of twenty-six departments.(5) Many of these departments such as Justice, Police, Health, Forests, Education, and Public Works, maintained within the several administrative districts officials assigned to specific functions, who worked under the general supervision of the Deputy Commissioners.

647 563 British Commissioners and Deputy Commissioners contributed to the integrity of Burma's police, court system and the subordinate branches of the civil service. In a completely Burmanized regime, British assistance will be sorely missed in technical fields of engineering, health, finances, and frontier affairs. Any serious lowering of standards of administration on the higher levels will, of course, be reflected throughout the entire structure of government.

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(4) Indian Statutory Commissioner Report (hereafter cited as ISCR), 1930, II, pp. 6, 224-5, 232-3. About five-eighths of the expenditures for general administration was made in the districts.

(5) The Departments were: General Administration, Police, Prisons, Justice, Public Health, Civil Medical Services, Land Revenue, Registration, Forests, Public Works I (Roads and Buildings), Public Works II (Irrigation), Fisheries, Agriculture, Cooperatives, Veterinary Services, Excise, Local Fund Audit, Labor, Education, Industries, Factories, Provincial Marine, Archaeology, Stamps, Boilers, and Governmental Press.

C. The Village Headman

622 Burma's eleven thousand headmen (Thugyis) might be considered the capillaries which carried the blood stream of governmental authority into the most remote areas of Burma's body politic. In densely populated areas, village tracts varied from three to six square miles in area, frequently including more than one settled community. Headmen were appointed by the Deputy Commissioners, who took into consideration hereditary claims, economic status, and the preferences of the villagers themselves. As government officials, the headmen were charged with the collection of land revenue, the maintenance of law and order, and the adjudication of petty criminal offenses within the village tracts. They also performed numerous routine tasks such as the entertainment of visitors and travelling officials, the keeping of vital statistics, local road maintenance, and the prevention of cattle disease. Villagers within their respective tracts could legally be compelled to assist headmen in carrying out governmental functions. The headman's compensation was ten per cent of the land revenue he collected. Village Committees assisted the headmen in their judicial functions, but the Thugyi himself bore full responsibility for local administration.

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625 In the maintenance of order, headmen could not, as a rule, enlist the willing cooperation of the villagers. A village tract was too small a unit in any case to cope with organised criminal gangs. A criminal-dominated village could easily intimidate its neighbors, so that dereliction of duty on the part of a minority of headmen could have a cumulatively demoralizing effect. Police records after 1900 afford ample evidence of unsatisfactory performance of the functions of the Thugyis, although in the more stable, long-settled communities the system worked fairly well.

D. The Court System of Burma

692 The High Court of Judicature at Rangoon functioned under the direct authority of the British Crown. The Justices were appointed by the Crown and could be removed only by the Home Government. Temporary vacancies on the Court could be filled by the Governor, who could also appoint additional judges on temporary tenure as needed.

The High Court supervised the regular judicial services throughout Burma, including matters of procedure as well as the services of sheriffs, clerks, attorneys, and other officers.(6) It was the highest court of appeal for both civil and criminal cases, and also reviewed cases arising in the Small Cause Court of Rangoon. The Governor consulted with the High Court in making all important judicial appointments.

[647] Below the level of the High Court were the Sessions Courts, the District Courts, and the Stipendiary Magistrates, all of whom dispensed both civil and criminal justice, handling an enormous amount of legal business. Judges of minor courts were appointed and removed by the Public Service Commission. Many Burmans held lower-rank judgeships. Honorary magistrates, recruited from retired officials and influential businessmen, supplemented the regular court system. They handled some 25,000 minor civil suits per year.(7) Routine administration of the entire

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(6) ISCR, XI, pp. 6-7. The High Court was established by Letters Patent in 1922.
(7) Christian, op. cit., pp. 95-97, 163-164; ISCR, XI, pp. 234-35.

692 court system was entrusted to the Judicial branch of the Burma Commission. Criminal jurisdiction in the districts was shared extensively the executive officers, as has already been explained. Executive officers in the backward tracts exercised plenary criminal jurisdiction.(8)

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671 The official language of the High Court was English, and the law applied was an adaptation of British and Indian practices.(9) A codified version of Burmese Buddhist Law was operative in Burma proper "in cases where the parties are Burmese Buddhists and the question to be decided is one regarding succession, inheritance, marriage or caste, or any religious usage or institution."(10)

E. The Central Legislature and the Ministers

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[563] The House of Representatives Under the Constitution of 1935, the nine Cabinet Ministers must resign office as a group whenever they ceased to command a majority vote in the House of Representatives. Of the 132 members of the House, 91 were elected from general single-member constituencies. Twenty-five seats were assigned to racial minority groups as follows: twelve Karen and eight Indian single-member constituencies, three European and two AngloBurman seats filled by using all Burma as the voting unit. Eleven seats were reserved for Commerce and Industry, six of the number being European, three Indian, one Chinese, one Burman. Two labor constituencies were designated, one at Rangoon and environs and the other in the Yenangyuang oil fields, each of them electing one Indian and one non-Indian labor representative. A representative of the University completed the list. Eligible Indians and Karens living outside the limits of their designated constituencies could vote in the general constituencies, as could qualified Chinese.

The Senate Eighteen of the thirty-six Burman Senators were elected by the House and half were appointed by the Governor. Approximately the same proportional racial representation was maintained in the Senate as prevailed in the House. Property qualifications for Senators were high. They must have been assessed during the previous year on income of 12,000 rupees or more ($4500), or have paid land revenue of 1000 rupees in Lower Burma (500 rupees in Upper Burma), or have served previously on the Governor's Council, as Minister, as Judge of an important court, or as a permanent Deputy Commissioner of a District. The Senate was chosen therefore from well-to-do businessmen, professional people, high Government officials, and landlords. As a consultative body with power of veto over legislative enactments, it acted as a check on the elected House of Representatives.

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646 The Legislative Powers of the Governor The legislative powers of the Governor were extensive. He could call, prorogue, or dissolve either or both Chambers of the Legislature, subject only to the provision that the body must meet at least once a year. He appointed half of the Senate. The Governor's Counselors and the Advocate General, enjoyed the right to appear and speak before either Chamber. The Governor could influence legislative procedure directly (a) by withholding confidential information, (b) by prohibiting discussion of reserved subjects, (c) by restricting consideration of matters adversely affecting his responsibilities, and (d) by withholding consent from the introduction of any bill touching

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(8) ISCR, XI, pp. 234. Included in the criminal justice system were the Government Advocate, three Deputy Advocates, and thirty Public Prosecutors.
(9) The Burma Code, 6th Edition, Rangoon, 1934, 3 vols.
(10) C. H. Moorman, Burmese Buddhist Law, Oxford, 1939, p. 1.

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constitutional matters, the Governor's powers, alteration of criminal trial procedure, or taxation liability of persons domiciled in the United Kingdom. An Order in Council of 1937 forbade the Burma Legislature from regulating Indian immigration or altering the tariff policy until 1940.(11)

Executive veto over enactments of the Burma Legislature extended through the office of the Governor to the London authorities also. The Governor himself could veto any act of the legislature or he could withhold his consent pending consultation with the Home Government. The latter procedure was mandatory for any action which would derogate from the power of the High Court, or which might embarrass the Governor in the discharge of his responsibilities.(12) Even if the Governor approved an Act, the Home Government (Secretary of State for Burma), as an added safeguard, could veto it within a year after its enactment.

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The Governor's powers to initiate legislation were fourfold. If the Legislature refused to appropriate funds covering any phase of his special responsibilities, he could authenticate over his signature a schedule of expenditures covering the particular item. In the second place, he enjoyed unlimited authority to issue ordinances for the excluded areas. During a recess of the Legislature, he could promulgate emergency ordinances which had to be submitted to the Legislature for approval when it reconvened. Finally, the Governor could enact laws on the constitutional level that were superior to any subsequent legislative act (i.e., not subject to repeal) if such were needed for the proper discharge of his duties.

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The elimination of the personality of the British Governor in the future Burmese constitution will place heavy responsibilities on both the executive and legislative branches of the government. The difficulty of maintaining a stable government based on majority control of the House of Representatives may require the eventual establishment of an independent executive. Much will depend on whether experienced and trustworthy leadership will be able to counter the inevitable demagogic appeals based on religious and racial considerations. The probable absence of a property-holding Senate indicates that a radical trend in both property legislation and taxation is in prospect. A uniform system of general constituencies is in prospect coupled with representation of minority racial groups in a Chamber of Nationalities.

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The Ministers of State The operation of responsible government in Burma was hampered by the prevailing multiple-party system under which every important political figure had his coterie of personal followers. A major attraction to those aspiring to Cabinet rank was the 4,000-rupee monthly salary connected with the job. As the maintenance of a working majority in the House was the primary concern of every Cabinet group, a Minister's value to the Government was measured not in terms of administrative capacity or experience but rather in terms of the number of votes he could control in the House. Under the circumstances, Ministers were primarily politicians who cultivated their friends and kept their political fences in repair; they could give only limited attention to overseeing the management of the assortment of unfamiliar departments and bureaus assigned to each of them.

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Elective and bureaucratic features of the government had scarcely begun to be integrated by 1941, and the Cabinet system was for the most part an addendum superimposed upon an administrative structure whose procedures and policies were

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(11) Christian, op. cit. pp. 81, 84-86, 91.
(12) Parliamentary Papers, pp. 7-8.

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subject to little modification. Only in the area of agricultural reform and immigration control did the new Government exert a positive influence on governmental policies. Not until the Japanese occupation did Burma's Ministers become de facto heads of administrative agencies. The departure of British Civil Servants in 1942 left a void which Burmans had to fill.

F. Local Representative Institutions

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The Municipal Councils Appointive Municipal Councils in Burma date from the Municipal Act of 1874. They developed not from an indigenous demand for local self-rule but from European concern for improving urban living conditions. At the outset, Councils supervised the maintenance of streets, lighting, markets, police protection, and water supply. Eventually their authority included vernacular education, conservancy, building regulations, road and bridge construction, vaccination and slaughterhouse inspection.(13) [666] During the 1920's the Municipal Councils became elective, and residents were enfranchised on a property-holding or tax-paying basis. Local Government approved municipal charters and the by-laws drawn up by each community for the conduct of municipal affairs, and supervised Rangoon's administration directly. The seven regional Commissioners were responsible for keeping municipal expenditures within budgetary limits. Local Government might dissolve any Town Committee for cause.(14) At the end of the 1920's there were fifty-eight municipalities.

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Community vitality was generally lacking in the municipalities. The urban Burmans generally preferred to do without the novel and expensive schemes of municipal improvement which seemed intended to meet European rather than Burmese desires.(15) Even though Local Government offered to pay two-thirds of the cost of waterworks installations, there were few responses. Sewage disposal facilities did not improve; inspection of public works contracts was grossly inadequate; embezzlement and defalcations flourished.(16) Committees were careless in hiring employees and rarely inflicted punishment for maladministration even when fraud or loss of revenue was reported. The citizens frequently complained, but failed to use their elective power to place more responsible men on the Councils.(17) [727] The destruction of practically all of the important cities of Burma during the war necessitates an exceedingly difficult and expensive task of urban reconstruction. How much will be accomplished in this field without the presence of Europeans to take the initiative remains to be seen. The outlook is discouraging.

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Rural Self-Government: District Councils Burma's Rural Self-Government Act was passed in 1922. Twenty-eight District Councils were set up, the members being chosen by indirect election for a three-year term. Groups of village tracts selected a representative to serve on Circle Boards, each of which elected from its own membership one or more Council members, up to a total of twenty to twenty-five for the district. Council members served without pay. The district Executive Engineer, the Civil Surgeon, and a Veterinary Officer served ex-officio on the Councils.(18)

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(13) ISCR, XI, pp.457-60.
(14) Ibid.
(15) F. B. Leach, The Future of Burma, London, 1925, p. 96.
(16) ISCR, XI, pp. 465-66.
(17) Ibid.
(18) Burma Gazetteer, Maubin District, Vol. A (Rangoon, 1931), pp.95-98; ibid, Mandalay District, Vol. A (Rangoon, 1938), pp.212-14; Thaton District, Vol.A (Rangoon, 1931), pp.93-95.

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The Councils appropriated funds for maintaining local health services, keeping up the secondary roads, promoting vernacular education, and the operation of the ferry services and waterways. Supervision by district officials or by Local Government was ineffective. As a rule Councillors begrudged the cost of hiring unpopular vaccinators and veterinary assistants; they were indifferent to the sanitary inspection of markets, cattle pounds, and slaughterhouses. Vernacular school funds were expended wastefully and money for public works was frequently squandered on unneeded roads and buildings.(19) The Public Works Department actually kept up the most important local roads and waterways, receiving compensation from the Council's funds, while the Deputy Commissioner usually collected the fees from the ferries.(20)

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District Council administration in Burma was universally conceded to be a failure. Circle Board elections were systematically boycotted. Village headmen were disqualified for elected membership on the Councils on the ground that they were officials. Council membership carried no prestige, nor was it legitimately remunerative. Personal interest rather than concern for the general welfare usually motivated the councillors, especially as they felt no responsibility to the public for their actions. Councils refused to delegate any functions to the Circle and village representatives, keeping within the Council the expenditure of all district funds. Circle boards were inactive except as an electoral agency, and village committees existed in name only.(21)

II. LEGAL AND POLITICAL RIGHTS OF THE POPULATION

A. Personal Liberties

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The inhabitants of Burma enjoyed under British law a considerable degree of freedom of the press and of speech, and complete freedom of religion. The line between what was legal and what illegal was drawn in practice on the question of whether or not the action in question constituted in fact an incitement to violence. Possession of firearms was permitted only under special license. The Governor was empowered to undertake all measures deemed necessary to maintain law and order, and the Criminal Investigation Department kept close tabs on all potential offenders. Under war emergency conditions which prevailed after 1939, the Governor was accorded by the Defense of Burma Rules extraordinary powers of arrest and imprisonment. Extensive use was made of this power before the Japanese invasion, but the reoccupation authorities were lenient toward political offenders and Japanese collaborationists. The Burma Interim Government recently repealed the Defense Rules.

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No racial or class discrimination was imposed by law relating to vocation or profession, the buying or selling of real estate, or educational opportunity. In the allocation of the limited funds available for education and other governmental services, however, the Burman population was favored over non-indigenous elements. Nationalist pressure became increasingly strong during the 'thirties against the employ of Indians especially in the public services, whenever qualified Burmans were available.

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(19) Royal Institute of International Affairs, United Kingdom Paper No. 1/E, p. 7, Mont Tremblant Conference, IPR, 1942.

(20) ISCR, XI, op. cit., pp. 431-437; Mandalay District Gazetteer, Vol A, pp. 212-14.

(21) ISCR, XI, pp. 422-36.

B. Suffrage privileges

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Residence in a given constituency and the payment of specified taxes per year (usually four or five rupees) were the principal requirements for entering names of 18-year-old men and 21-year-old women on the various electoral rolls. Sex alone was no disqualification, although the franchise for women was confined almost entirely (86 per cent) to Upper Burma, where women as well as men were obliged to pay the thathameda tax on non-agricultural income. Women voters also had to qualify under a literacy test and were not permitted to stand as candidates for election. As the five-rupee capitation tax required of all heads of households in Lower Burma was sufficient to qualify for the suffrage, more than 30 per cent of the males living in the elective areas were registered voters. The revocation of both the thathameda and capitation taxes after 1937 destroyed the principal basis of suffrage. Franchise qualifications in urban areas could be met either by possession of a designated amount of immovable property (worth 200 rupees) or by occupation of a house worth 60 rupees rent per year. The 33 new general constituencies provided for by the 1935 Constitution were all assigned to rural areas, a change which went far to redress the heavy over-representation of the urban population under the previous Legislative Council system.(22)

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The electoral rolls for the two labor constituencies (one around Rangoon, one at Yenangyaung) included only the names of permanent employees working in registered factories located within the designated areas plus members of organized labor unions of two years' standing showing a membership of at least 250. No maistry (contractor)-controlled laborers were eligible, nor were Rangoon's rickshaw pullers, sampan-wallahs, and freight movers. As of 1936, around 20,000 Indians were eligible to vote under this arrangement in the Rangoon, Insein, Syriam constituency, and some 5,000 in the oil fields, out of a total local Indian labor population of several hundred thousand; non-Indian labor enrolled around 5,000 eligible voters in the first mentioned area, and a slightly larger group in the second.(23)

The greatly increased communal representation of the Karens under the 1935 Constitution (from 5 seats to 12) was in part an emphasis on rural as opposed to urban representation and in part an acknowledgment of the paramount rights of the indigenous population as compared with immigrant Indian and Chinese. Indian and Chinese representation was not increased over previous levels, as were Burman and Karen seats. Most of Burma's quarter-million Chinese inhabitants took little interest in Burmese politics. The one representative of the Chinese business community in the Legislature was required to be a British subject.(24)

C. The Minority Racial Groups

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The major social cleavages in Burma are racial. No caste system exists among the indigenous population, and under Burmese Buddhist law women are fully equal to men in legal and social status. About two-thirds of the nearly 17 million inhabitants are Burmans, but this fraction includes an important Mon element (Talaings to the Burmese), living mainly in Tenasserim division and in the lower reaches of the Irrawaddy delta, which is being rapidly assimilated to the majority group. The most important minority races are the Karens, the Indians,

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(22) Government of Burma Act, 1935, British Government, 26 Geo. 5, Chapter 3.
(23) Sir Laurie Hammond, On the Delimitation of Constituencies in Burma, London, 1936, pp. 4-12, 20-26.
(24) Ibid.

563 the Shans, the Chinese, and the Anglo-Burmans. Numerous tribes of hill peoples
inhabit the mountainous periphery along the borders of China and India, the most
important being the Kachins and the Chins.

The Karens. The two major Karen groups, the Sgaw and the Pwo, are about equal
numerically and include the vast majority of the million and a half members of
that race. They are scattered in separate villages throughout the delta of the
Irrawaddy and Sittang rivers and along the mountainous ridges bordering a large
proportion of Burma's border with Siam. They were originally animist in religion,
and many of them are still primitive. Their traditional relations with the majority
race were those of slave to master. Karen-Burman relations, always bad, have
563 deteriorated as a result of the war experience; Burman apologies have not erased
the effects of armed strife, which broke out between the two groups in 1942-43.

[197] The leadership of the Karen race is drawn largely from the Sgaws, who
have been in continuous contact with American Baptist missionaries for a century
and a quarter. As a result of the extensive educational operations sponsored by
771 the mission, the Christian Sgaw Karens are relatively well educated from a Western
point of view. The Karens themselves have contributed generously to the support of
178 their own churches and schools, many of which operate without any outside assistance whatever. The Pwo Karens have been relatively less influenced by missionary
activities and they tend to accept a veneer of Buddhism and to become Burmanized.
[701] Both Karen groups have been traditionally loyal to British rule, which has protected them against possible mistreatment by the Burmese. Karens made up an
important element in the Burma Rifles and in the frontier police force in prewar
days.

000 Ideally, the solution for Burman-Karen relations is the assimilation of
the minority groups under guarantees of social equality and religious freedom.
Such a solution could develop only in an atmosphere of moderated Burman dominance
and a more general acceptance by Karens of the nationalist aspirations of the
majority group. The creation of an autonomous Karen state, except in a limited
sparsely populated area, is out of the question because of the intermingling of
leading elements of the Karens with the Burmans throughout Lower Burma. The role
of the Karens in an independent Burma is not likely to be a happy one.

The Indian Minority. The Indian population of Burma before the war numbered
[162] roughly 1,100,000. Approximately one quarter of them lived along Burma's Arakan
coast neighboring Chittagong Division of Bengal Province, India. The vast majority
of the remainder lived near the port of Rangoon, the largest racial fraction (45%)
of that city's pre-war population being Indian. Moulmein and Bassein had a similar
563 proportion of Indian population. Two-thirds of Burma's industrial labor was Indian,
and Indians also provided nearly all of the common labor on docks, railways, river
463 steamers, and highways. The Indian workers in the Rangoon area were largely
Telegu, Tamil, and Oriya immigrants, who came to Burma for three- or four-year
periods of residence before returning to their families in India. The steady rise
in Burma's Indian population up to the 1930's was due, not to natural increase,
but to immigration.

[464] Labor contractors, called Maistries, usually took a percentage out of the
wages of members of their respective gangs in return for supplying employment.
Burmans were unwilling to acquiesce in the exactions of the maistries even when
economic distress forced them to seek work alongside the Indians; under normal
[167] circumstances, Burmans would not work for wages acceptable to Indians. Annual
Indian immigration declined somewhat following the peak year of 1928 (424,000
[609] entries) due to depressed conditions of employment and to mounting opposition from
the Burman population. The latter vented their feelings in two savage race riots
[579] (1930-31 and 1938).

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[426] The Saw-Bajpai Immigration Agreement of 1941, which put the entry of Indians into Burma on an annual quota basis, was never approved formally by the Secretary of State for India and Burma. No new agreement acceptable to the Burmans has been completed, and it appears that independent Burma intends to regulate the matter, temporarily at least, by statute. The right of 400,000 or more Indians to return after having evacuated Burma in 1942 has not been challenged. The Government of India apparently intends to insist that adequate wages, living conditions, and police protection be guaranteed before any new Indian labor immigration to Burma is permitted. The repatriation of the Chettyar moneylender community from Madras Province will present serious difficulties. The Chettyars acquired in Burma, over a period of two generations, equities in paddy lands valued before the war at 750 million rupees, an amount greater than all British investments in Burma // combined. As the re-installation of the Chettyars is not politically or economically feasible, compensation for liquidation of Chettyar land titles and mortgages will have to be considered by the Burma authorities as soon as the country is financially able to undertake the task. Equitable adjudication of Indian rights of residence and property in Burma and the development of friendly relations between the two countries are among the most important international problems which postwar Burma will have to face.

563 Burma's Muslim Zerbadi population (Indian-Burman admixture) is pretty thoroughly domiciled and will give rise to no international problem unless trouble should develop with Eastern Pakistan which abuts the Arakanese border. Minor local difficulty may be encountered as before the war in connection with the impaired legal status of Burmese wives under Muslim family law.

[463] The Chinese Minority. The 220,000 Chinese residents of prewar Burma were mainly Fukienese and Cantonese in origin, having come to Burma by sea via Malaya. Yunnanese Chinese inhabited certain agricultural areas included within the bounds of Burma's Shan States; others entered Upper Burma as caravan traders or as transient laborers in the Great Bawdwin zinc and lead mine. Burma's Chinese were usually shopkeepers, proprietors of restaurants and rooming establishments, carpenters, operators of ferries, and holders of liquor and opium licenses. They ran general merchandise stores and engaged in petty lending operations in all important towns; they also controlled much of the export of Burma rice to Malaya.

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666 The Chinese comprised the only large non-Burman group who were not considered British subjects. The Burma Overseas Chinese organization was allowed to elect representatives to sit in the Central Legislature of Kuomintang China. The Chinese community as a whole kept its language and racial identity, but intermarriages with Burmese women at the higher social levels were not unusual. Chinese husbands were good providers, and children of Chinese fathers and Burman mothers were regarded in many quarters as being more dependable than either the pure Burmese or the Chinese residents.

If Chinese participated in Burman politics -- a rare occurrence -- they usually supported nationalist candidates. The lone Chinese member in the Legislature, representing only the business community, had to be a British subject. Resident Chinese taxpayers could vote in the general constituencies.

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726 Following the outbreak of the Sino-Japanese war in 1937, Burma's Chinese supported their country's cause vigorously. Politically active Chinese fled to China when the Japanese invaded Burma in 1942. The resident Chinese community was squeezed repeatedly by the Japanese for contributions to war funds and for forced labor service. Some found relief by claiming that they were supporters of Nanking rather than of the Kuomintang. The Chinese business community in Burma took full advantage of the absence of British and Indian competitors during and immediately following the occupation to strengthen their economic position within the country.

609 Some Burmans are fearful of the dangers that their country might face as an independent nation from territorial aggression on the part of China, especially in the event that a collapse of international controls should precipitate a general

609 movement for territorial expansion. The threat of heavy overland immigration of Chinese into Burma via sparsely settled Yunnan, however, is not in any sense comparable to the threat to Burma inherent in uncontrolled Indian immigration.

563 The Shans, Kachins, and Chins. The Commissioner for the Shan States was assisted by officers of the Frontier Service who acted as legal advisors to local semi-
636 feudal Shan princelings (Sawbwas). The rule was paternalistic and sometimes enlightened, for a number of the Sawbwas were well educated and progressive. The Shan people, although Buddhist like their Burman neighbors in the valley, were not politically restive before the war under lightly imposed British rule. The two indigenous peoples have been brought much closer together during the war as the result of having experienced common suffering under the Japanese yoke, and the Sawbwas now apparently prefer autonomous status within a free Burma to perpetuation
[438] of British rule. With the possible exception of Kengtung State, the only feasible commercial outlet for the minerals, cattle, potatoes, and fresh vegetables, and the only source for needed rice imports were through Burma proper.

The Kachin peoples, who live in mountainous areas of northern Burma, number possibly 400,000 all told. They are relative newcomers, having migrated southward from the Sino-Tibetan border region only a few centuries ago. Kachin territory, like the Shan, was administered by the Governor's agents, but in a somewhat more direct fashion. Except in areas where the Kachins have been influenced by missionary activity, mainly American Baptist, they remain a primitive warlike people, having developed only a rudimentary political organization. The economic status of the Kachins was always precarious; disease ravaged the population; opium
[571] eating was widely practiced among them. Burman-Kachin relations have never been good. The former regard the hillsmen as savages (the literal meaning of Kachin in Burmese), and the Kachins reciprocate by despising the allegedly effete Burmans. Union with an independent Burma will prove difficult.

[701] Before the war British military establishments in Burma recruited and trained considerable numbers of Kachins, who made excellent soldiers.

American OSS agents in north Burma were able during the recent war to
[726] recruit an effective fighting force of 10,000 Kachin rangers, who made life miserable for Japanese patrols and afforded General Stilwell's forces an indispensable source of military intelligence.

The most important people inhabiting the mountainous frontier between Burma proper and border Indian Provinces are the Chins, of whom there are two major groups, northern and southern. A considerable number of the southern Chins
[78] have drifted down in recent years into newly developed rice lands of the Irrawaddy lowlands, even to the eastern side of the river. American Baptist missionaries operating for a generation in the Chin Hills have reduced the native language to writing and introduced the rudiments of education and of the Christian religion into the area.

The Chins, like the Kachins, make good soldiers and were not unhappy under British rule. Some of the Chins have accepted Buddhism, however, and their gradual assimilation into Burma's population would appear to be much less difficult than would be that of the Kachins. The Chinese will find an acceptable place in the new Burman state.

563 The Anglo-Burman Community. Burma's European half-caste community, the result of unions between British fathers and native mothers, occupied before the war the unhappy situation of being unwilling to identify themselves with the indigenous population and of being at the same time not accepted as social equals by the European residents. In religion they are Christian for the most part, but, with notable exceptions, the group was not well adjusted socially. Capable members of the Anglo-Burman community found employment in the Civil Service or in business; the operating personnel of the Burma Railways were largely Anglo-Indian and

563 Anglo-Burman. If in the event of British withdrawal the group should identify itself with nationalist objectives, it could make an important contribution to the future development of the country.

III. ECONOMIC AND SOCIAL POLICIES

A. Social Policies: Health, Labor, Education

744 Health. Prominent among the social services of the Government of Burma was the Public Health Department, whose primary function was the prevention of epidemic disease. Despite popular opposition to compulsory vaccination and inoculation and a correspondingly small budget, epidemic diseases such as smallpox, cholera, and plague were kept under control. The health of the people was far from satisfactory, however, for many suffered from malaria, from venereal disease, from skin and eye infections. A Public Health Board supervised major expenditures for health purposes, and attempted to coordinate private and public health services. Six General Hospitals were maintained before the war, together with some 300 smaller hospitals and dispensaries scattered over the country.(25)

273 276 656 The Burma Government supervised closely the sale of liquor and drugs, the declared objective being to reduce native consumption through controlled distribution. Liquor was taxed heavily but consumption nevertheless increased. Only Burmans who had been registered as opium addicts in or before 1903 could purchase the drug legally from licensed vendors, whereas non-Burman addicts were rationed through a system of consumers' tickets issued by Excise officers. Licit sales of opium declined, but the high prices obtainable for illicit distribution encouraged large-scale smuggling from relatively unadministered sections of the Shan States bordering Yunnan.(26)

466 656 Labor. The Labor Department of the Government languished for lack of funds and public interest, and carried on no program worthy of the name. No statistics were kept and little was done to improve the living standards of the laborers. A Factories Department enforced minimum standards of conditions of work in some 600 rice mills, 165 saw mills, and a score or more of ginning factories and oil mills.(27) There were no generally accepted standards for wages or hours. Trade unionism as an economic factor was practically non-existent. As of 1936, Burma's eight trade unions totalled 2,821 members. To operate legally, a union had to be recognized and registered by the Government and submit its accounts for proper auditing.(28) Whenever strikes occurred, therefore, they usuallytook the form of unauthorized assembly and riotous conduct. Since the close of the war, trade unions have appeared in virtually all areas of Burman employ, including government services.

871 212 792 Education. Burma's relatively high male literacy rate of 56% before the war was attributable in large measure to the work of the monastic schools. Every Buddhist youth was expected to attend the monastic school of his community for a period in order to learn the rudiments of the ethical and religious teachings of the Buddhist faith and the Burmese equivalent of the three R's. The work was usually very elementary and often obscurantist. If monastic schools would submit to inspection and could qualify under certain standards, they were eligible to obtain registry by the Education Department. In actual fact this was never done, and monastic schools received no support from public funds. The Buddhist order made no provision for training teachers and did little to keep up minimum standards of discipline and efficiency.

871 The rural vernacular school system sponsored by the Government was placed after 1923 under the control of District School Boards functioning under the

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(25) ISCR, XI, pp. 108-13, 84-92, 281-82.
(26) Ibid., pp. 54-76
(27) Ibid., pp. 187-189, 219-20.
(28) Ibid., pp. 4-13, 20-26.

871 authority of the elected District Councils. The schools were poorly administered and many failed to meet minimum requirements. Students left the vernacular schools at the end of two to three years, so that perhaps one-half of the children from five to eleven years at any given time were not in school. Paucity of funds, inadequate training facilities for teachers, and the low economic premium placed on vernacular school training were major difficulties.

The Education Department of the Government exercised direct control over the English and Anglo-vernacular schools, which alone qualified students for University entrance and for the Civil Service examinations. Approved Anglo-vernacular schools received Governmental grants-in-aid calculated to meet half of the budgeted deficit of each school. Attendance invariably exceeded facilities. Mission-supported schools played a prominent role in the Anglo-vernacular program. A limited number of so-called National schools, operating outside the supervision of the Education Department, were theoretically eligible for grants-in-aid, but usually did not qualify. Pre-war instruction in the University was entirely in the English language.(29)

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727 Educational activities in Burma were completely disrupted by the war and they will have to be revived from the ground up. Educational plans are entirely in the hands of the Burmese. They propose to abolish all grants-in-aid and to establish a uniform system on the basis of universal compulsory elementary school training as soon as funds are available. English language training will be relegated to a secondary position, although it probably will continue to be used as a medium of instruction in the University when the subject content requires it. Burman leaders are intensely interested in providing educational facilities in professional, scientific, and industrial fields. The re-establishment of satisfactory academic standards disrupted by political factors prior to the war will be difficult.

B. Economic Policies in General

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439 The basic objective of British economic policies in Burma was to stimulate production of rice, timber, oil, and minerals for export purposes. The function of government was primarily to maintain orderly conditions necessary for commercial operations rather than to see that social needs were cared for. The rapid and unregulated expansion of commercialized paddy production produced absentee landlordism, usury, and general social demoralization throughout much of Lower Burma. It is significant that the value of Burma's annual exports was considerably more than twice that of her imported goods, and that monetary reserves were not increased within the country.

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471 Quasi-monopolistic control of all large-scale industrial production by a few large British firms was the rule. Opportunity was given on occasion for Burman investors to purchase stock in British enterprises, especially in oil companies, and the policy of recruiting capable Burmans for responsible commercial positions prevailed in a number of firms. Indians and Chinese tended nevertheless to take over all small-scale business activities, and Burmans on the whole were left without an important stake in the economy of their own country.

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467 Employer groups, mostly non-Burman, favored the recruitment of an ample supply of coolie labor from India and opposed strongly any limitation on immigration. Government and employer groups were equally opposed to attempts at labor organization.

652 The financial policy of the Burma Government was very conservative. Public expenditures even during the depression of the thirties were kept within current income, so that appropriations for such public services as health, education, and transportation were usually inadequate. The excessive sums spent for policing the

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(29) Ibid., pp. 135-54.

652 disorderly countryside curtailed expenditures for constructive social purposes. Burma's foreign debt was owed to India for the most part on account of the railways taken over in 1937 and the Meston settlement to cover amortization of the cost to the British of the three Burmese wars. In view of the large annual volume of exports, the country was in a sound condition financially, but social services left much to be desired.

C. Governmental Services

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655 The Government Estates. Governmental authorities encouraged cultivator ownership of land on a limited scale through the so-called Government Estates. Within certain areas, colonizers of newly-opened agricultural lands could become tenants of the Estates and, therefore, eligible for public credits secured by the land. Revenues realized by Government from these Estates were expended on improving roads, bunds, and other facilities, while rent levels kept pace with progressive improvements.(30) Only a small fraction of the annual increment of 100,000 acres of new rice land could be consolidated under the Government Estates.

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656 Forest Control. The Forest Department controlled the exploitation of Burma's vast timber resources. Title to all teak trees lay with the Government, and teakwood extraction accounted for almost all of the Department's annual profits of Rs. 100,000. The Department itself extracted and sold about 20% of the annual teak output, and the five leading European firms engaged in the timber business contributed about 45 per cent of the gross revenues of the Department.(31)

653 Public Works. The Public Works Department of the Government approved projects for public roads and buildings. The Irrigation Branch maintained irrigation works and collected water rates for the use of canal water, operated three ship canals, and maintained embankments and drainage facilities. Operational expenditures of this branch exceeded by one million rupees the tolls and rates collected. Dredging costs were particularly high, and reflected the lack of attention given to the serious problem of soil erosion.(32) The Fisheries Department fulfilled an important regulatory function in preventing the undue clogging of drainage channels for fishing purposes and the consequent flooding of cultivated areas.(33)

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231] Agriculture. The Agriculture Department of Burma operated fourteen experimental farms, which were concerned for the most part with the improvement of seed rice. Some attention was given to selective cattle breeding, cotton raising, and sericulture. Agricultural officers did very little to publicize their operations or to gain the confidence of the cultivators. A program of Government-sponsored agricultural cooperatives, started in 1917, included 156,000 participants at one time, but most of the local societies eventually defaulted on their obligations and were forced to liquidate their assets. A considerable number of the defunct societies were revived during the late thirties. A Veterinary Department kept cattle disease under control.

IV. RELATIONS WITH THE BRITISH GOVERNMENT

A. The Rise of Nationalist Sentiment

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641 Older Burmans never forgave the British for blotting out their existence as a separate national entity in 1886, but it was not until after World War I that nationalist opposition to British rule became articulate among younger and more vigorous Burman elements. Postwar political developments within India proper produced direct repercussions on the eastern shores of the Bay of Bengal. Nationalism in Burma at the outset took the form of a fiercely asserted demand that

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(30) Ibid., pp. 178-80.
(31) Ibid., pp. 18, 54-62.
(32) Ibid., pp. 195-97.
(33) Ibid., pp. 100-103.

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Burma not be omitted from the operation of the Montagu-Chelmsford reform program of 1921 as had been contemplated originally. But Burmans were highly dissatisfied with their dyarchy constitution of 1922 (half of the Ministers responsible to the Governor and half to the Legislative Council).

The General Council of Burmese Associations boycotted all elections and even those Burmans who were elected to the Legislative Council by non-boycotting groups were usually pledged to sabotage the Constitution. Governments could be maintained under the circumstances only by enlisting the cooperation of non-Burmese British, Indian, Karen, and business representatives in cooperation with a few office-hungry Burmese politicians.

When it became apparent in the late twenties that the dyarchic system would have to be abandoned in India, the Indian Statutory (Simon) Commission recommended in 1930 that Burma be separated from India and be governed under a new constitution granting a larger degree of self-government. Because of lack of confidence in London's intentions, the Burman electorate in 1932 rejected the separation proposal along with any London-made constitution. As no suitable place for Burma could be found in the projected Federation at the Center in the India Act of 1935, Parliament drafted the Burma Act of 1935 along similar lines and put it into operation in 1937 without the benefit of Burmese ratification.

Under the new constitution a Burman Ministry fully responsible to the House of Representatives did finally come to grips with basic problems of tenancy rights, noncultivator land-holding, and Indian immigration. A persistent attack was maintained on the allegedly excessive powers of the Governor. The more moderate Burman nationalist elements led by U Saw, Premier in 1940-41, demanded as the price of Burman cooperation with Britain during the war an unequivocal promise of Dominion status for Burma following the war. His demand was refused. A more radical group led by ex-Premier Ba Maw's so-called Freedom Bloc and by youthful members of the Dobama (Thakin) Party demanded complete independence. Many of the radical leaders were jailed in 1940-41 for seditious activities under the Defense of Burma Rules. This radical nationalist group provided collaborationists for the Japanese-sponsored regime.

B. Burma's Relations with Britain and India

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On the non-official level, contacts between Burma and Britain were limited to the connections which the British business community maintained with directors and stockholders in London and with governmental representatives. The Burmese people had opportunity for no comparable relations with the public of the United Kingdom, nor did the representatives of the Burma House of Representatives have access to members of Parliament. Burman delegations were invited periodically to go to London for conferences and Round Table discussions, but the constitutional initiative rested with the metropolitan power and Parliamentary enactments were not subject to ratification by the Burma Government.

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Burma's separation from India in 1937 did not abruptly sever financial and trade ties between the two countries. Burma's foreign debt was owing to India, and the Reserve Bank of India continued to stand guarantor for Burma's currency notes. When the Saw-Bajpai Immigration Agreement was concluded in 1941, it was accompanied by an arrangement giving goods manufactured in India a preferential position with respect to entry into Burma. The intervention of the war period voided both agreements, and future relations as to finance, trade and immigration will presumably be negotiated as between independent states.

C. Burma Under the Japanese

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The Burmese people in 1942 were apathetic with respect to offering resistance to the Japanese invaders. Burmans lacked both arms and training, and they were not conscious of having any important stake in the preservation of Britain's

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economic and political control. The Japanese were fellow-Orientals and Buddhists and were pledged to liberate Burma from Western control. The people very quickly became disillusioned with their "liberators', however, and it was only after it had become apparent that the country must make the best of Japanese occupation that responsible Burmese cooperated with Ba Maw's puppet regime. Nationalist youth groups led by the Thakins (some of them Communists) ultimately broke with the Japanese and formed the Anti-Fascist People's Freedom League (AFPFL), which afforded effective assistance to the British-Indian forces during the closing months of the Burma campaign.

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Burma's war experiences, although harrowing, were in one respect salutary. Burmese Ministers were obliged for the first time to shoulder full administrative responsibilities without having the British Civil Service to lean upon. They emerged from the ordeal more mature in their point of view and fully aware of the difficulties of self-government. The experience at the same time intensified the Burman desire for political and economic independence and generated a spirit of self-assurance among them that few outsiders had anticipated.

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On the negative side the war destroyed Burma's cities and her transportation facilities; it reduced the basic industry of rice production to temporary prostration; it left the population almost completely destitute of clothing and other consumer goods. Equally unfortunate was the demoralizing effect of two periods of anarchy (1942 and 1945), with a three-year orgy of looting and scrounging of goods and property in between. Police agencies became badly demoralized. Lawlessness on an alarming scale survived as a major governmental problem aggravated in some areas by economic and political unrest. A bankrupt and devastated Burma faces a grimoutlook for the next several years.

D. Rise to Power of the Anti-Fascist People's Freedom League

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Confusion and Deadlock. The war period was a dividing-line in Burma's political history. Prewar parties, which had centered for the most part around coteries of followers of rival political leaders, emerged discredited and disrupted in organization. Dr. Ba Maw's group of political lieutenants will carry for many years the stigma of having stayed too long with the Japanese. The Thakin (Dobama) nationalist party has split into numerous factions; many of its leaders and potential recruits found their way into the ranks of the AFPFL. From 1942 to 1946 ex-Premier U Saw was a Britishprisoner in Uganda. During this interval he got badly out of touch with Burmese affairs, and his Myochit (Patriotic) party disintegrated. Other older leaders either joined the AFPFL or retired from the political field. By way of contrast, the youthful ex-Thakin leaders who organized the AFPFL as an underground anti-Japanese movement enjoyed high prestige among all nationalists. They emerged in 1945 in control of the only strong and well organized political party in Burma.

The AFPFL was a hybrid organization which included Communists, Socialists, ex-Thakin nationalists, leaders of the All-Burma Students Union, veterans of the Burma National Army and its Patriotic Volunteer Organization (PVO), plus several old-time politicians such as U Ba Pe and members of the Myochit party. Except for its generally youthful character and its agreement on nationalist issues, the party lacked both cohesion and homogeneity. General Aung San and the Communist Party President, Than Tun, were its outstanding figures. Communist Party leaders were prominent in the inception of the League and for a year or so following the liberation of Rangoon (May 1945) managed to use the AFPFL organization as a front for organizing Trade Unions and Peasants' Unions working for the accomplishment of Communist objectives. Other elements of the League, particularly the Socialists, were also active. In an effort to establish its claim to speak for all Burmese nationalists, the League extended membership to many non-Communist elements, who managed by July 1946 to exclude Than Tun from the Secretaryship of the AFPFL, and eventually succeeded (October 1946) in ousting the Communists entirely from the organization. Party discipline was generally lax and political unrest tended to merge with outright lawlessness, so that the League was at various times seemingly in danger of falling apart of its own weight.

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When Governor Dorman-Smith took over governmental affairs in October 1945 and attempted to organize a Burmese Executive Council to assist him, he refused to concede the claim advanced by the AFPFL to represent all of the Burmese people and insisted on including in the Council several conservative Burmans who were unacceptable to the nationalists. Negotiations broke down and no AFPFL representatives were included in the Council. Subsequently the Governor brought back to Burma U Saw and two exiled Thakin leaders and persuaded some of U Saw's followers and a Thakin to enter the Council. So great was the resentment in the AFPFL that for a time it looked as if revolution might break out.

Governor Dorman-Smith returned to England in June 1946. The situation remained quiet during the summer rains while attention was focused on the pattern of settlement being fashioned in nearby India. General Hubert Rance, formerly head of the Civil Affairs Department of the Army in Burma, took over the Governorship in late August, apparently with authority to establish an Interim Burmese Government such as was being inaugurated in India.

2. The AFPFL Succeeds to Power.

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A series of strikes in September, 1946, beginning with a police strike to obtain better wages and culminating in a general strike backed by the AFPFl, led Governor Rance to force the resignation of the existing Executive Council. Aung San agreed to head a new and representative Council which included both AFPFL and non-AFPFL members and which enjoyed somewhat greater authority than the first. Under Aung San's leadership the strikes were curbed and a measure of governmental authority was restored.

The continuing complaints of dissatisfied nationalist elements and the open opposition of the ousted Communists obliged Aung San to press vigorously for additional concessions from London. In November he presented an ultimatum demanding by January 31, 1947 a more satisfactory agreement including a guarantee of independence for Burma within a year thereafter. The AFPFL supported the demands by making preparations for a popular rising to take place if the concessions were not forthcoming.

The British-Burmese agreement negotiated at London in late January 1947 conceded the more essential of Aung San's previous demands, including the election of an all-Burmese Constituent Assembly. Enough was withheld, however, to give an excuse to two non-AFPFL delegates, U Saw and Ba Sein, who hoped to capitalize on the expected popular rejection of the pact, to refuse to sign the agreement. But they underestimated Aung San's personal prestige. Upon his return to Rangoon, he was able to obtain both party and popular acquiescence in the new arrangement, leaving his opponents discomfited and with no alternative to propose in place of the London settlement. In the Constituent Assembly elections held in early April 1947, nearly half the seats were uncontested and the AFPFL obtained an overwhelming majority of the remainder.

Thus after two years of political manoeuvering the AFPFL under Aung San's leadership finally established its claim to enjoy the backing of virtually the entire Burmese nation. Burma's immediate future rested in the hands of the patriotic youthful following of a man himself only thirty-two, a group short on experience but determined to strike out on the path toward independence.

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Following the April elections, Aung San undertook to quiet the unrest which had reached fever pitch during the course of the London negotiations. Meanwhile committees of the Constituent Assembly proceeded with the task of drafting the new constitution, which entailed prolonged negotiations with representatives of the Shan, Kachin, and Chin peoples inhabiting peripheral mountainous areas of Burma.

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Preliminary negotiations with London were also initiated covering conditions of Burma's separation from the British Commonwealth.

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The orderly course of these transitional activities was temporarily interrupted on July 19, 1947, by the cold blooded assassination of Aung San and six other members of the Executive Council at the hands of hired gunmen who forced their way into the Council Chamber. The objective was apparently to spread confusion preparatory to the overthrow of the Government. Among the victims were some of the ablest and most experienced members of the AFPFL, whom it will be impossible to replace. The party weathered the immediate crisis thanks in part to the prompt action of Governor Rance in establishing a new AFPFL Government. But Burma will miss in days to come the firm hand of Aung San and the prestige which his enormous popularity gave to the Government. His elimination makes inevitable a struggle for political leadership within the party as soon as independence has been achieved. The July 19 incident underscores the crucial character of the problems of political indiscipline and lawlessness to which the preceding discussion alludes and the antecedents of which will be discussed below in Part II.

Burma's new Government under Thakin Nu negotiated a defense agreement with the British authorities in late August. The new constitution was formally approved by the Assembly in September (see Appendix I). On October 17 Thakin Nu signed at London a definitive treaty with the British (see Appendix II). The trial of those accused of complicity with the July 19 assassination, including ex-Premier U Saw, began in October. The present Ministry is drawn exclusively from AFPFL ranks although signs of party fission are clearly in evidence.

The British House of Commons on November 5, 1947, approved by a vote of 288 to 114 the crucial second reading of the Burma Independence Bill after an extended debate featured by strenuous objections on the part of Mr. Churchill. At Rangoon, on January 4, 1948, the Burmese flag replaced the Union Jack at Government House and the popular British Governor, Sir Hubert Rance, boarded his waiting cruiser. Burma's Parliament thereupon ratified the October 17 British Treaty, thus completing the legal steps by which independence became a reality.

V. CURRENT PROBLEMS.

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The measure of success achieved during the coming months by the interim regime in effecting an orderly transition from the legal basis of authority derived from the plenary powers of the Governor under the 1935 Act to the new legal basis of popular sovereignty will have considerable bearing on future developments. The complicated machinery of the new constitution will obviously be difficult to put into operation. Problems connected with economic rehabilitation and land reform are extremely urgent. The settlement of land titles and immigration policy will entail delicate negotiations with India. Steady progress in agricultural recovery can be expected, but industrial rehabilitation and urban reconstruction will take much longer. Outside capital is urgently required as well as the services of technical experts in numerous fields if planned developments are to be realized. Popular resistance to Western standards in such fields as medicine, education and administrative practice will have to be overcome. The immediate problem of establishing effective governmental authority can be expected to raise enormous difficulties in view of Burma's tradition of lawlessness and disrespect for policy authority aggravated as it is by the collapse during the course of the Japanese occupation of the very foundations of social control.

APPENDIX I.

THE CONSTITUTION OF THE UNION OF BURMA.

641 The government of independent Burma as projected in the constitution approved by the Constituent Assembly will be the legal successor of both the pre-war British regime and the interim post-war variant of it. Existing laws will continue in force until repealed and the pattern of administrative organization will presumably continue unchanged. The only major administrative departure is the creation of a semi-autonomous Kachin State from the old Bhamo and Myitkyina districts of north Burma. Other innovations include the assertion that governmental powers derive not from the King but from the sovereign will of the people, the substitution of a Chamber of Nationalities for the pre-war Senate, the abolition of all property qualifications for both electors and Parliamentary candidates, and the elimination of communal representation for the Chamber of Deputies.

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692 The titular head of the new Burma Government will be a President elected for a five year term by secret vote of the combined Chambers of Parliament. The President is accorded limited emergency prerogatives as well as the power of pardon, and he is removable only by impeachment proceedings. The real executive power is to be exercised by the Prime Minister and his Cabinet, who are collectively responsible to a majority of the Chamber of Deputies. The Constitution also provides for a Supreme Court, the members of which are appointed by the President in consultation with the Prime Minister and are removable only on grounds of misconduct or incapacity. The Court is protected against interference by the Chamber of Deputies and is charged with the final interpretation of the Constitution and law.

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[641] The powers assigned to Parliament far exceed those enjoyed by Executive branches of the Government. In specific instances such as the definition of citizenship and the regulation of private property the Parliament is explicitly empowered to legislate contrary to general provisions of the Constitution. Amendment of the Constitution can be accomplished by majority vote of both Chambers of Parliament plus a two-thirds vote by members of the two Chambers sitting in joint session, except that provisions relating to the rights of minority races cannot be so repealed. The Chamber of Deputies is accorded complete authority over money bills. The Parliament must meet at least once a year, and the maximum life-time of a given Parliament is four years barring earlier dissolution. Indigenous minorities control 72 of the 125 seats of the Chamber of Nationalities, which is approximately half the size of the Chamber of Deputies. If the Chamber of Nationalities fails to approve a legislative measure passed by the Deputies, the deadlock will be resolved by a majority vote of the Chambers sitting jointly. All members of Parliament will enjoy freedom of speech and exemption from legal liability for all actions taken in their legislative capacity.

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563 All citizens of Burma (acquisition of citizenship by non-Burmans is possible but not easy) are guaranteed equality before the law, inviolability of person, dwelling, and property, together with freedom of religion, of speech, of peaceful assembly, of occupation, and of membership in non-seditious associations. Wide protection is afforded the rights of minority groups, especially the Karens. Thus numerous liberal features adapted from British, French, and American practice are embodied in this portion of the Burma Constitution.

653 Equally significant in the new Constitution is the wide authority and responsibility ascribed to the State in the economic and social sphere. For example, the State is authorized on appropriate occasions to impose compulsory
421 labor service for public purposes on a non-discriminatory basis. If it is deemed that the public interest so requires, Parliament may by law limit or expropriate private property and may prescribe in which instances and to what extent the owners shall be compensated. As the ultimate owner of all lands, the State is empowered to regulate, alter, or abolish land tenures on a non-discriminatory basis, and to redistribute agricultural lands to collective or cooperative farming organizations or to assign them to agricultural tenants severally. Individual ownership of agricultural land is arbitrarily limited to three hundred acres per landlord. The State is held responsible for protecting workers from exploitation, for providing opportunities for work, leisure and education, for safeguarding public health, and for shielding the aged and incapacitated.

433 Prominent among the "Directive Principles of State Policy", which are listed in the Constitution but are explicitly declared to be not enforceable in any court of law, is the promotion of a planned economy calculated to
641 improve the material and cultural conditions and health of the population. State policy shall assist economic organizations not working for private profit and shall endeavor to secure the operation of all public utilities and the exploitation of natural resources by the Union Government, by local governmental agencies, or by peoples' cooperative organizations.

185 In a substantive portion of the Constitution it is provided that the exploitation of Burma's agricultural lands forest and mineral resources, fisheries, and all potential sources of electrical energy must be carried out
563 by citizens of the Union, or by companies in which citizens hold sixty percent of the capital stock. If the public interest so requires, exceptions to this rule may be made by special act of Parliament, but any licenses granted to a non-citizen for economic purposes would be limited to a maximum duration of twenty-five years. The authors of the Constitution clearly intended to curb large scale economic development under private auspices and particularly by non-citizens of the Union.

Although one may question whether the elaborate façade of Burma's new constitutional structure will ever become reality in view of the anterior problem of establishing an effective administration of any sort, the document clearly reflects the hopes and intentions of Burma's new leadership.

APPENDIX II.

TREATY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE PROVISIONAL GOVERNMENT OF BURMA, OCTOBER 17, 1947.

648 **Political Provisions.**

641 In the treaty signed by Prime Ministers Atlee and Thakin Nu at London on October 17, 1947, and scheduled to come into force on January 4, 1948, the United Kingdom recognised the Republic of the Union of Burma as a fully independent sovereign state to be the heir of all obligations and benefits deriving from international instruments heretofore applicable to Burma. The treaty also provided that citizens of the new state who are also British citizens by virtue of connections outside of Burma or who may subsequently elect British citizenship may declare alienage from Burma in a manner to be prescribed by a law scheduled to be passed by the Burma Union.

Economic Provisions.

648 652 The UK cancelled not only the cost of the Civil Affairs operations in Burma prior to the restoration of civil government (October 15, 1945) but also £15 million (approximately three-fourths) of the sums advanced in recent years by the UK Treasury to meet deficits in Burma's ordinary budget. The UK agreed also to waive payment of interest on the balance of Burma's debt to the British Treasury, which was made payable in twenty annual instalments beginning in 1952. The UK agreed finally to reimburse Burma for claims arising from the 1942 military campaign and to meet claims for services on the part of demobilised Burman personnel.

The Burma Union on its part accepted the obligation to pay from public funds all salaries, pensions, and provident annuity funds due British subjects domiciled elsewhere than in India and Pakistan. Burma renounced claims in respect of supplies and services furnished the Civil Affairs administration, and agreed to repay all sums advanced by the UK since reoccupation in support of the various rehabilitation projects. [471] The Burma Government also recognized the continuing validity of its existing contracts conferring rights or benefits upon British subjects currently domiciled in the UK or upon companies mainly owned or managed by subjects so domiciled, and acknowledged that compensation would be due United Kingdom owners of any such contracts or properties taken over by the Union Government. Without prejudice to the principles of state socialism to which the Burma Government is committed by the terms of the Constitution, the Burman negotiator agreed in an exchange of notes appended to the treaty that the Burma Government would take no action prejudicial to UK interests in Burma without advance consultation with a view to reaching a mutually satisfactory settlement, save only in possible emergency situations when advance notification would be given. Pending the early negotiation of conventions regulating postal services, civil aviation, and trade, it was agreed that existing arrangements covering such matters would continue in force.

Defense Provisions.

648 701 705 Incorporated as an Annex to the treaty was the three-year Defense Agreement signed at Rangoon on August 29, 1947. Under this agreement, the UK undertook to evacuate all troops from Burma as soon as possible following the transfer of power, and to provide a Naval, Military and Air Force Mission, including an

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instructional staff, for the training of Burma's armed forces. The nature of the Mission and the training facilities to be provided, including the terms and condition of service of UK personnel attached thereto, would be negotiated subsequently between the two governments. The UK agreed also to hand over gratis to Burma a naval contingent of some 37 small vessels, together with initial equipment and supplies for the Burma army. The UK will also facilitate the future purchase of war material by the Government of Burma. With respect to air services, the UK agreed to provide technical personnel for one year, and an agreed portion of the annual cost of maintaining Mingaladon Air Field (near Rangoon) plus a maximum annual contribution of £40,000 for the maintenance of Akyab and Mergui landing grounds.

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Burma's counter commitments in connection with the Defense Agreement included the pledge to receive no Naval, Military, and Air Force Mission from any government outside the British Commonwealth, to accord to British naval vessels the right of entry into Burman ports and to British military aircraft the right to fly over Burma territory and to enjoy staging facilities at prescribed air fields within Burma. All reasonable assistance including facilities of entry by air, land, or sea would in the future be afforded such British forces as were bringing help and support to Burma. The terms of the Military Agreement would after three years be subject to cancellation on twelve months' notice by either party.

THE PROBLEM OF LAW AND ORDER IN BRITISH BURMA

FOREWORD

128 The following historical and sociological study of community disintegration and decline of governmental authority in pre-war Burma does not purport to be a total evaluation or balanced appraisal of the effects of British colonial rule, many of which were positive. Although the material on which the study is based is taken exclusively from published British and British-Burman sources, as the footnotes will attest, it has been selected to illuminate one aspect only of the situation, namely the inordinate growth of lawlessness within the country. From the Burman point of view, an understanding of the underlying causes for developing the tradition of indiscipline may counsel a large measure of patience on the part of outside observers as the new nation endeavors to establish effective social and governmental controls.

175 I. THE HISTORICAL DEVELOPMENT OF BRITISH ADMINISTRATIVE PRACTICE, 1826-1914

631 A. *Feudal Aspects of Governmental and Legal Institutions under the Burmese Kings*

641 [625] The King's court in pre-British Burma did not concern itself with actual problems of maintaining order, nor did the Provincial officials appointed by the Courts.(1) The Court served a constructive purpose in cultural matters, encouraging the production of literature, music, and art, and landing support to the Buddhist religion. The head abbot of the monastic order, called the *Thanthanabaing*, who authenticated all monastic credentials and disciplined the *Sangha* (order of Buddhist monks), was a court official.(2) But the immediate personal allegiance which the Burman villager acknowledged was to his own feudal chief. [565 653 702 421] Feudal status was determined by birth or marriage. The middle and upper-class Burman population included a number of feudal retainer categories (*ahmudan*) subdivided into regimental orders (*asu*). The order to which each individual belonged determined the particular type of personal service due his chief. Members usually were obliged to render military service for a few months of each year in rotation with others who remained at home to support those called up for service. The "official lands" assigned to the heads of the various orders were parcelled out to the members through a kind of sub-infeudation for purposes of residence, subsistence, and cultivation.

565 641 631 Socially inferior to these *ahmudan* retainers were the ordinary taxpayers, or *athi*. This group was fairly homogeneous in character and acknowledged the authority of the *myothugyi* (township headman) as a kind of hereditary squire. The social gap between *ahmudan* and *athi* was not great. They lived in the same villages and frequently cooperated in agricultural matters. A change in residence did not cancel any person's rights or obligations, and any alteration of political affiliation required the consent of one's feudal chief.

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(1) G. E. Harvey, *History of Burma* (London, 1925), pp. 358-60; H.F. Hall, *The Soul of a People* (London, 1903), p. 49, 80-83; F.B. Leach, *The Future of Burma* (London, 1936), pp. 28-30; J.G. Scott, *The Burman, His Life and Notions* (London, 1910), p. 406.

(2) J.S. Furnivall, *The Political Economy of Burma* (Rangoon, 1938), p. 227; Hall, op. cit., pp. 84-85; *Cambridge History of India*, 6 vols. (Cambridge, 1929), VI, pp. 40-41.

622 423 The myothugyi, as a locally resident squire, customarily enjoyed jurisdiction over minor criminal offenses.(3) He also exercised lordship over all non-private lands of athi-accessibility or occupancy. He supported the traditional legal right of the local community to banish undesirable or recalcitrant residents, to declare their lands forfeited, and to guarantee that all unoccupied land was open to settlement by socially acceptable persons. Through continuous occupancy and cultivation, individuals could acquire land as private property.(4)

621 [625 792 312] The Burmese village as a residential and agricultural community functioned with a considerable degree of vitality. Petty crime was effectively curbed, as were breaches of morality and unmannerly conduct.(5) Each community supported its own monastery where the boys attended school under the tuition of the local pongyi, or Buddhist monk. Community requirements with respect to roads, bridges, and wells were met. In Upper Burma villagers themselves managed the equitable distribution of the water rights from irrigation projects without any supervision from central government authorities.(6)

671 691 692 [626] Burman Buddhist law was largely procedural rather than substantive in character. The object was to reach a compromise satisfactory to both parties of a dispute through the services of a disinterested arbiter. A court decision was, in fact, legally enforceable only when the participants and the arbiter sealed it by taking tea together. The successful judge-arbiter required neither legal code nor advisors, and he properly received a fee for his services.(7) If any individual proved incorrigible, the community could banish him. Completely foreign to the Burman tradition was the application by the state of an impersonalized law on the British model, operating on a punitive basis without securing the consent of the parties to the decision.(8)

B. The Developing Pattern of British Administration in Lower Burma

177 631 621 [692] 1. Arakan. When the East India Company took over the Arakan and Tennasserim coastal district of Burma after 1826, it ignored the fact that Indian political institutions were alien to anything known in Burma, and set up in 1831 an administrative system based on an extension of regulations used in Bengal. Policy was directed from Calcutta and, under a uniform system, administrative boundaries became a matter of convenience only. The myothugyi usually became the salaried clerk on the staff of a European District assistant, with basic administrative operations centering in the taikthugyi, or circle headman. The latter collected the revenues on a fifteen per cent commission, assisted in the apprehension of criminals, and tried petty civil suits. Criminal jurisdiction was almost exclusively under British control. European personnel occupied the upper brackets of the administration.(9)

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(3) Furnivall, op. cit., pp. 38-41; O.H. Mootham, Burmese Buddhist Law (Oxford, 1939), p. 123
(4) Furnivall, op. cit., pp. 101-103; Hall, op. cit., p. 88
(5) Hall, op. cit., pp. 88-89; Mootham, op. cit., pp. 120-22. This principle survives in Buddhist civil law in the denial of rights of inheritance to a child guilty of incorrigible disobedience.
(6) The British Burma Gazeteer, 2 vols. (Rangoon, 1880), I, pp. 389-95; Hall, op. cit., p. 91; Furnivall, op. cit., pp. 41-45
(7) J.S. Furnivall, Reconstruction in Burma, MS., pp. 20-21
(8) An adaptation of Burmese Buddhist law was developed under British rule to cover questions of "succession, inheritance, marriage and caste, or any religious usage." See Mootham, op. cit., p. 1.
(9) Cambridge History of India, V, pp. 563-65

177 621 [423 651 433 554] Many of the Arakanese were not unhappy at first to be delivered from Burmese rule, but despite the tangible benefits realized, the people all disliked the alien British governmental and legal system. The efficiency of the new regime was attested by the eventual reduction of assessed land dues to one-fourth of their pre-1831 level. The rice acreage of the Arakan multiplied four and one-half times from 1830 to 1852, making Akyab at the latter date the foremost rice-exporting city in the world. Expanding cultivation gradually absorbed the disorderly unemployed.(10) Material prosperity however could not restore the lost vitality of the indigenous Burman community. Men of property and social standing under the old order found themselves denied real political power and reduced to virtual peasant status.(11)

177 621 692 [674] 2. *Tenasserim*. In the Tenasserim area (east and south of the mouth of the Salween river), the Company enjoyed at first the cooperation of the Mon (or Talaing) population, traditional enemies of the Burmese. The first resident commissioners wisely adapted their administrative set-up to local tradition with the result that popular participation was enlisted in the enforcement of law. Indigenous revenue clerks, judges, and township officers enjoyed for a decade or two considerable authority, and the police system operated on a traditionally Burmese pattern.(12) Court litigation was discouraged, and until 1838 lawyers were dispensed with. Magistrates acting as arbiters simply made briefs of the evidence and eliminated the calling of unnecessary witnesses by charging a small [illegible] for each one used. Court costs were fixed on a moderate percentage basis, and if the parties effected a private compromise, even at the court's suggestion, the fees were remitted. Jury trial operated with eminent success. Slavery was reduced; divorce was lessened; and the Burman-Talaing village under efficient British rule became an orderly community remarkably free from crime.(13)

178 [653] 467 Difficulties developed during the 1840's when the Company's commissioners, faced with strong native opposition to forced labor service on the roads, asked for the despatch of convict labor from Calcutta. Some of the most undesirable types of criminal Indians were unloaded at Moulmein to the dismay of the local authorities. The desired roads were never built but substantial jails had to be erected.

674 [433] When the Burmese kings forbade the migration of additional Burmese cultivators into Tenasserim, the Company's commissioners imported Malay and Chinese agriculturalists with unsatisfactory results.(14) Early attempts to promote shipbuilding, the mining of tin and coal, and the raising of cotton yielded discouraging returns.(15)

[692] [465 686] The teakwood industry began to thrive during the middle thirties, and Moulmein, the port of delivery and export, quickly changed from a sleepy Talaing village to a bustling heterogeneous trading center of forty thousand people. To fill the demand for common labor, Madrasi coolies were introduced in large numbers, some under contract, others by wage inducements.(16) In this new situation, European entrepreneurs refused to accept the jurisdiction of the Burmese courts,(17) and demanded lawyers and a regular justice of the peace. Labor prices were fixed and imprisonment for debt revived.

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(10) Ibid.
(11) *British Burma Gazeteer*, I, pp. 480-82
(12) *Cambridge History of India*, V. pp. 566-69
(13) J.S. Furnivall, "The Fashioning of Leviathan," *Journal of the Burma Research Society*, XXIX (1939), pp. 18-45
(14) Furnivall, *The Political Economy of Burma*, pp. 53-58
(15) *Cambridge History of India*, V, p. 566
(16) Furnivall, "Leviathan", pp. 44-51, 58-75
(17) *British Burma Gazeteer*, I, pp. 497-98

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631 and imprisonment for debt was revived. After 1842, when the Tenasserim administration was placed directly under Calcutta's control, business interests virtually
692 dictated policy. Court actions in Tenasserim were subject to the review of the judges of the High Court at Calcutta.(18)

313 Teak extraction declined rapidly after Karen jungle folk, who had been forced to cut logs for meager compensation, retaliated by burning the timber. By
563 1850, the forests of Amherst district were practically ruined and the timber interests began to look elsewhere.(19)

243 Rapid expansion of rice acreage after 1845 established agriculture as the leading industry in Tenasserim. By 1855, migrant cultivators from free Burma, attracted by economic inducements, helped boost the total population of the area
166 to three times that of 1826.(20) But indigenous social institutions decayed among the newcomers who tended, under an alien administration of impersonalized law, to
161 become increasingly disorderly. In Tenasserim, the entire structure of government was affected. Nevertheless, centralized British rule was so much more efficient
631 than was the Burman system in promoting material prosperity that the deleterious effects of the decay of social institutions were not immediately appreciated. The
[178] same general pattern of social disintegration was reproduced in Lower Burma (extending northward as far as Toungoo), which the East India Company conquered in 1852.(21)

313 3. Lower Burma. Company authorities in Calcutta introduced two important changes of policy in Lower Burma. Despite the bitter opposition of the Euro-
656 pean timber firms, a Forestry Department was established in 1856 to supervise the exploitation of the timber reserves, which were now placed under state control.(22)

631 They also recognized the jurisdiction of the hereditary township headmen (myothugyi) over petty civil and criminal affairs in their respective areas. The name "Myo-ook" (later spelled Myook), given to this official, meant literally
651 "chief of a city." The position of circle headman (taikthugyi) was retained mainly for revenue-collecting purposes, under strict European supervision. The taikthugyi was paid on a percentage basis, and resignations and dismissals were quite frequent in contrast to the permanent tenure of the Myo-ook. Appointive gaungs (under the taikthugyi) acted in the villages as revenue assistants and rural police, but were paid only by being exempt from capitation taxes. With the exception of the Myo-ook, who constituted a strong and vital link between British rule and indigenous political practice, the Burman officers lacked local support and prestige.(23)

167 The economic and political outlook for British Lower Burma was discouraging for many years. The area had been largely depopulated by protracted warfare so that entire townships had reverted to jungle. Fisheries and salt production
433 were more important throughout much of the Irawaddy delta than was agriculture. Disaffected Burmese feudal retainers withdrew north of the border, where they led organized raids for many years. Lord Dalhousie refused in 1853 to undertake mili-
579 tary operations into Upper Burma on the ground that the hostile population, once conquered, could not be administered without undue expense.(24)
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(18) Furnivall, "Leviathan", pp. 40-43, 53-75

(19) Cambridge History of India, V, p. 567

(20) Leach, op. cit., p. 28. The figures were 170,000 in 1826 and 555,000 in 1855

(21) Ibid., pp. 30-37

(22) Cambridge History of India, VI, p. 444

(23) British Burma Gazetteer, I, pp. 435, 498-501; Cambridge History of India, VI, p. 442; J.S. Furnivall, Reconstruction in Burma, MS., pp. 3-4

(24) Cambridge History of India, V, p. 562; VI, p. 445

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The Lower Burma administration induced many emigrants from Upper Burma to help extend the area of rice cultivation in the delta. Rice acreage increased threefold from 1852 to 1872. It nevertheless proved difficult to distinguish between the bona-fide immigrants and the disaffected dacoits. Although active rebellion had ended by 1857, armed gangs from the delta jungle and the mountainous periphery of the country continued operations for a long time.(25)

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4. The Effect of Commercialized Agriculture With the opening of the Suez Canal in 1869, trade developed rapidly on a triangular basis between Burma, India, and Europe. For the first time all of the surplus rice of Burma could find a profitable market, and as a result commercial production began on a large scale. For many years after 1872, the paddy acreage expanded at the phenomenal average rate of 1.6 million acres per decade.(26)

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The moneyless cultivators who came in from Upper Burma were usually restless. They found that squatter's rights on the land were very insecure because of the slowness of the land survey and the speculative claims which possessors of capital had staked out in large undeveloped areas. Commercial interests were inclined therefore to ask for Indian labor. On the initiative of the Government of Lower Burma laborers were imported from Bengal and Madras, beginning in 1874 and 1876 respectively. The rice millers set up their separate labor-contracting agencies in Madras. Eventually the Burma Government adopted the plan of subsidizing the steamship lines at so much per head for each immigrant brought over, a practice continued for a number of years. By 1883 the annual immigration of Indian laborers reached 83,000 persons, less than half of whom returned home at the end of the paddy season. Indian businessmen, traders, capitalists, and professional men followed in time.(27)

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The immediate effect of the influx of Indian contract laborers, many of them recruited from criminal elements, was to aggravate disorder. From 1875 to 1877, for example, the jail population of Indians was proportionately four and one-half times greater than that of the Burman Buddhists. The latter group, in fact, had the smallest percentage of any at this time.(28) The second result was to reduce the wages of ordinary labor so that Burmans could not compete in the general labor market. By 1885, all labor on docks, public works, freight handling, and railways, and much of the labor on the rivers was passing into Indian hands. The unfortunate implications of these changes in terms of rising social tension and unrest were fairly clear but the practice continued nevertheless.

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The feeling of growing insecurity among the Burmans was reflected by a statement appearing in the Burma Gazeteer, published in 1880, that it was "impossible to be sure that there would not be [a Burman] outburst at any time." The reckless, passionate character of the Burman, the persistence of old disorderly habits, the fascination which riotous excitement had for him, and "the indisposition of the people to help themselves and to resist criminals" were cited by the Gazeteer as important factors contributing to unrest.(29)

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(25) Ibid., VI, p. 446; British Burma Gazeteer, I, pp. 498-502; Furnivall, Political Economy, pp. 47-49. In 1872 criminal offenses numbered more than 44,000 annually; in 1878, they numbered only 40,000, but crimes of violence against persons had increased slightly.

(26) Furnivall, Political Economy, p. 50

(27) Ibid., pp. 66, 85-87; Interim Report of the Rent Inquiry Committee, pp. 14-17

(28) British Burma Gazeteer, I, pp. 513-14

(29) Ibid., p. 509

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C. Changes Arising from the British Conquest of Upper Burma

1. Rising Tension and War. The half-decade directly preceding the extinction of the Burmese Kingdom in 1885 was characterized by growing disorder in Lower Burma.(30) Township officers and taikthugyi were having increasing difficulty in controlling the footloose Indian and Burmese immigrants. British authorities unwilling to deal with the economic causes, tried with little success to enlist the aid of the village elders in policing measures.(31)

The problem of law and order was immensely aggravated in 1885-86, when British forces precipitated widespread rebellion by deposing King Thibaw and adding Upper Burma to the British domain. The threat to British interests implicit in King Thibaw's intrigues with French agents, coupled with an allegedly extortionate fine imposed by the King on a British teak firm for non-payment of export duties, were the occasions for the action. Official Britishers, who realized the effect of the conquest in aggravating popular unrest, apparently wanted only to replace Thibaw by a more acceptable rival. Military advisers supported them, declaring that it would take ten times the number of troops to hold Upper Burma as it would to take Mandalay. But non-official British commercial firms who were unanimously in favor of annexation won out.(32)

The Pacification. Mandalay fell easily to the British in 1885, but when the Burmans realized that British intentions were to take over their country, they took up arms and began spirited guerrilla resistance. Rebellion spread to Lower Burma, where the situation became almost anarchic. Burman guerrilla groups lacked coordination and were unable to inflict serious losses on the British, but it required no less than five years and the use of 32,000 troops, led by the commander-in-chief of the Indian forces, to pacify the country.(33)

The stubborn character of the futile, uncoordinated Burman resistance proved that national spirit was behind the effort although for many participants loot and love of adventure were supporting motives.

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The pacification of Burma by Charles Crosthwaite was accomplished mainly by the use of Indian troops and military police, who functioned under the direction of the district magistrates. Enlistment of Burmans in the army was discontinued in 1887. Burman constables, serving under British officers, were used to detect, investigate, and report intelligence but were kept distinct from the Indian military police.(34) The possession of arms, even for headmen, was rigidly forbidden except for license-holders.(35)

The Burmans finally submitted to superior force. But they resented thereafter the presence of an alien army in which they could not enlist. British distrust did not increase the Burman's reliability or his desire to cooperate. The intelligence role assigned to the Burman constabulary caused the rapid deterioration of its morals and destroyed public confidence in it. In January 1887, p.30

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(30) Cambridge History of India, VI, p. 446; Report on Police Administration in Burma, 1880-84 (hereafter cited as RPA). As compared with the previous five-year span, the incidents of murder rose 34 per cent and that of dacoity 77 per cent. Cognizable crime in 1884 was 50 per cent higher than in 1879.
(31) Ibid., 1881, p. 29-33; 1883, p. 19
(32) Cambridge History of India, VI, pp. 436-39
(33) Ibid., p. 439
(34) RPA, 1889, p. 2-3
(35) Sir Charles Crosthwaite, The Pacification of Burma (London, 1912), pp. 48-50, 53-55, 96-99

792 In January 1887,30.
626 Crosthwaite offended the Buddhist monks by refusing their profferred assistance in
554 the restoration of order in return for official recognition of their religious status and authority.(36) Instead he removed the monks from their traditionally
178 detached position, and gave them the same status as lay citizens.(37) The Buddhist hierarchy suffered loss of power, and refused thereafter to back governmental authority.

622 *The Institution of Village Headman*. As a final act of renovation, Crosthwaite abolished the last remnants of the feudal structure of Burman society by eliminating all the higher categories of headmen: the *asu* chieftains and *myothugyi* in
624 Upper Burma, the *Myo-ock* and *taikthugyi* in Lower Burma. This decision was made primarily because fully half of the feudal chiefs during the rebellion had led their followers in armed opposition to British authority. The destruction of the old order was carried out against the advice of experienced officials who opposed the sweeping elimination of customary feudal authority.(38) To take the place of the traditional system, Crosthwaite established by law the new post of village headman, to be appointed by and responsible to the Deputy Commissioners of the several districts.(39)

[625] The arrangement was as logical in appearance as it was impracticable in operation. Headmen were accorded the status of petty magistrates and were assisted by so-called "ten-house gaungs," unpaid householders (one to every ten houses), who acted as village police and defenders against dacoity raids.(40) Village agencies were also assisted after 1891 by itinerant Burman "Beat Patrol" constables,(41) whose morale was impaired by arduous travel requirements, poor pa general unpopularity, and exposure to bribery. Eventually, the patrol concentrat on the surveillance of registered criminals and the regular visitation of communities where they lived.(42)

622 The village headmen, or *thugyi*, were obliged to perform a variety of thankless governmental tasks. They had to maintain order, assess and collect taxes (on a ten-per cent commission), keep a record of vital statistics, maintain inter-village roads, prevent cattle disease, and take care of the needs of travelling officials. In the execution of their responsibilities headmen could legally require the assistance of every resident of their respective villages on pain of direct punishment.(43) Every headman was held liable to reprimand, fine, or outright dismissal by the Government for any dereliction of duty. Most headmen found their assimilation to the bureaucracy a handicap to their social leadership.

626 554 *The Weakness of the Headman System*. On a higher level, magistrates and regular police were virtually powerless to control crime without effective cooperation from the headmen. In many newly formed or loosely organized villages the headmen often exercised little of no influence. Conscientious *thugyis* were sometimes

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(36) *Cambridge History of India*, VI, p. 411
(37) Mootham, *op. cit.*, pp. 123-27
(38) R. Grant Brown, *Burma as I Saw It*, 1889-1917 (New York, 1925). pp. 201-3
(39) Crosthwaite, *op. cit.*, pp. 51-2
(40) *RPA*, 1889, p. 3
(41) Ibid., 1892, p. 2; *India Statutory Commission Report* (1930) (hereafter cited ISCR), XI, p. 423
(42) *RPA*, 1893, p. 4; 1896, p. 3; 1906, p. 30; 1903, p. 29; 1913, p. 34-5; 1915, p. 26; 1917, p. 20; 1919, p. 36
(43) *ISCR*, XI, pp. 423, 433

622 victimized and intimidated by criminal-dominated neighbor villages whom they
were unable to control.(44) Cooperation was enlisted by punishing and dismissing
derelict thugyis and by granting rewards to those who performed their duties
well.(45) The wise headman simulated the appearance of loyal cooperation
and occasionally attracted attention to himself for gallantry when good
[626] opportunity was afforded. But he was also careful not to invite bullying
from criminal elements by being over-conscientious.(46) Public opinion
continued to function in behalf of law and order only in older settled areas
of Upper Burma, where social cohesion had not yet been destroyed by disruptive
forces.

101 The ineffectiveness of the village headman system was concealed for a time
by statistics which failed to reflect the extent of undetected crime.(47)
178 After 1906, however, the annual police reports for Lower Burma comment monotonously on the inferior quality of the police recruits, the apathy among headmen,
674 and their malfeasance in faking evidence, perjury, failure to act against
gambling and excise violation, actual concealment, and the hindrance of
convictions.(48) The situation deteriorated alarmingly after 1914.(49)

101 Upper Burma was not at first seriously affected. Once the furor of the
rebellion of the 1880's had subsided, the village elders in this area re-established effective social controls.(50) Down to 1915, periodic lapses into
626 lawlessness occurred only under famine conditions.(51) Long familiarity with
one's neighbors, resident ownership of land, the absence of commercialized
423 agriculture and the attendant Indian moneylender, together with the continued
influence of natural social leaders eliminated crime as a serious problem in
most areas.(52) Resident cultivators were usually the legal owners and
family land was ordinarily not for sale.(53) Some, however, sought their
fortunes in Lower Burma, usually contributing their share to the lawlessness
[311] which characterized the region. The people of Upper Burma opposed British
interference with their traditional water and forestry rights and disliked
the levelling of social distinctions under alien rule. But these grievances
did not make them lawless.(54)

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(44) In 1897, 341 derelict villages were inquired into, of which 171 were fined collectively. 695 headmen were also fined. RPA, 1897, p. 44; J.S. Furnivall, Progress and Welfare in Southeast Asia, (New York, Institute of Pacific Relations, 1941)

(45) RPA 1897, pp. 6, 43; 1905, pp. 5, 29.

(46) Ibid. 1905, p.5.

(47) Ibid. p. 2.

(48) Ibid., 1905, 1906, 1909, 1911, 1913.

(49) Cognizable criminal cases reported annually varied from a low of 36,265 in 1901 to 42,767 in 1912. There was slight improvement from 1899 to 1901, from 1905 to 19 08, from 1912 to 1914. RPA, 1899 - 1915.

(50) Ibid., 1889 - 94. Violent crime in Upper Burma fell from 3,409 cases in 1889 to 296 in 1894.

(51) Thus, in 1897, Lower Burma had 14 of the 16 bad districts while the two unruly areas in Upper Burma were affected by Kachin depredations and depression conditions. Ibid.,1897, p. 8.

(52) Leach, op. cit., p. 121.

(53) Furnivall, Political Economy,pp. 105, 128-29. As late as 1936 cultivator ownership was 67 percent in Upper Burma, as compared with 42 percent in Lower Burma.

(54) Cambridge History of India, VI, p. 440

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D. Factors Responsible for Social Disintegration.

Evidence of Disintegration. A leading British authority has attributed the disintegration of social life in Burma to anti-social forces inherent in a system of economic freedom which tended to eliminate values that were not immediately material and to encourage the pursuit of individual interest without regard to social interests. (55) Commented one political observer in 1896:

> "This government of the king, which was so bad in all that it did, and only good in what it left alone,.will never rise again...The local government is passing away, too. It cannot exist with a strong government such as ours. For good or for evil, in a few years, it, too, will be gone." (56)

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Cultural vitality also ebbed away. Proficiency in the use of the Burmese language became a cultural luxury, for it was no longer used in courts, higher schools or hospitals. The requirements for securing government jobs put a premium on English training. Native craftsmanship was less developed. The piety and learning of the Buddhist monastic order declined, (57) and the pongyi schools of the villages, which Sir Arthur Phayre had tried (1866-71) to make the center of an indigenous educational system, fell into decay. Another unfortunate development was the rapid expansion of court litigation. The government courts became the only recourse for settling civil disputes. British-Indian law and procedure were unfamiliar to the Burman, and those who went to court found themselves the prey of lawyers. Judicial administration became very complex, while frivolous appeals and long drawn-out trials became the rule. (59) Generally speaking, crime increased as litigation became more expensive and complicated. (60) Much of the civil litigation concerned disputes connected with the rapid turn-over in the ownership of land in Lower Burma. Under Burmese customary rule, improvidence had not been dangerous. Children were sufficient security for parents against old age, and the small borrower had been protected by custom against excessive interest charges and the loss of family land. Under the commercial expansion of agriculture which encouraged contraction of debt, the Burman was afforded no legal protection against his overborrowing of funds.

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The Influence of Moneylenders. The practices of the moneylenders and the landlords effectively hindered the Burman paddy farmers in the Irrawaddy delta area from becoming established in permanent communities where social controls could be revived.

The Chettyar moneylender community of South India, which started large-scale credit operations in Burma around 1880, was a highly efficient organization. Its operations extended from banking institutions in India through various intermediate levels in Burma down to local agencies administering loans to individual rice cultivators. No rival agency could compete with the Chettyars, and the government was little interested in providing alternative credit facilities. Lending money on crop and land security, the Chettyars provided abundant credit for expanding rice cultivation throughout the Irawaddy delta. Once cultivators became involved in debt, they seldom succeeded in extricating themselves, for crop returns varied with the rains, and loans carried fifteen to forty-five percent annual interest, sometimes collectible in advance. (61) Burman occupant-owners usually discovered after a few years that they were only digging deeper their grave of debt; they accordingly walked out on their obligations, and moved on to repeat the process elsewhere.

The Chettyars, as mortgagors, controlled from the outset most of the newly-developed land in Lower Burma, installing on their holdings a succession of Burman

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55) Furnivall, Reconstruction in Burma, MS., p.1
56) Hall, op. cit., p. 91.
57) Furnivall, Political Economy, pp. 228-34.
58) Cambridge History of India, VI, pp. 444-45.
59) Cambridge History of India, VI, p. 443.
(60) Furnivall, Reconstruction in Burma, p. 22.
(61) RPA, 1897, p. 33.

426 pseudo-owners at two or three-year intervals.(62) The process was finally interrupted during the slump of 1931, when Chettyars were obliged to call in their
423 loans and take title to some two and one-half million acres of rice land for whom new cultivator-owners could not be found.

426 Rack-renting. Agrarian indebtedness was further aggravated by the rack-renting practices of landlords. Persons with capital, both Burmans or foreigners, purchased estates which they auctioned off on annual leases to the highest bidder. Many conservative owners preferred Indian tenants, who usually stayed longer and took better care of the land.(63) The footloose Burman cultivator, desperate to rent land for the coming crop season, usually outbid more responsible tenants, and was often unable to pay out. Paddy prices did not keep pace with rising rents, partly because renting was competitive and collusive buying on the part of European rice millers held prices down.(64)

Seasonal unemployment as well as conditions of chronic debt aggravated disorderly conditions throughout the Irrawaddy delta. During the two long breaks in the agricultural year, one near the end of the rains after the rice was planted and the other during the latter half in the dry season following the harvest, many of the paddy farmers found sport in lawless escapades. Passionate disputes growing out of petty bickering were frequently settled with knives. Anonymous criminals had no difficulty hiding in a countryside where entire villages were semi-migrant. Criminal bands sometimes got control of entire village tracts.(65)

182 Rising Incidence of Disorder. The incidence of dacoity and murder in Lower Burma, which had declined somewhat following the pacification, rose rapidly after 1904.
178 Violent crime in 1912 was reported at approximately twice the level of 1904. By 1915 murder reached an annual incidence of almost forty per million of population.(66) From 1904 to 1912, cognizable crime increased seventeen per cent and
674 non-cognizable crime forty per cent. But the number of cases reported was directly proportionate to the number and vigilance of the police. A vast amount of petty crime went undetected.(67)

Authorities found it increasingly difficult to gather dependable evidence against criminals. During the pacification period, young participants in disorderly conduct frequently confessed quite readily, and voluntary surrender of criminals to the authorities was common as late as 1896. By 1902, the situation was different; an increase in perjury and false witness was universally reported.(68) In the face of growing popular contempt for law, the addition of magistrates, jails, and police proved unavailing. Whipping, collective fines on villages, the passage of the Habitual Offenders' Restriction Act and the Criminal Tribes Act were equally ineffective. The author of the Cambridge History of India, in 1918, reported that conservative social forces in Burma which might have held in check anti-social forces had been destroyed, and that the lawless propensities of Burma's homeless cultivator classes were getting beyond control.(69)

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(62) Furnivall, Reconstruction in Burma, pp. 13-15

(63) Furnivall, Political Economy, pp. 66-69, 75-82, 97-93

(64) Furnivall, Reconstruction in Burma, p. 15

(65) Furnivall, Political Economy, pp. 26-27; Furnivall, Reconstruction in Burma, pp. 16-24; RPA, 1905, p. 13

(66) Cambridge History of India, VI, p. 446; RPA, 1889-1914. Temporary improvement was realized in 1913 and 1914

(67) RPA, 1904-1912

(68) Hall, op. cit., p. 101

(69) Cambridge History of India, VI, p. 146

II. POST-WAR DEVELOPMENTS

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A.. The Impact of World War I

1. Economic Aspects.

During World War I depressed agricultural conditions prevailed in Lower Burma, and migrant Burman laborers were drawn to Upper Burma, where increased demands for cotton, sesamum, chillies, onions, tobacco, and sugar had arisen. Money became much more plentiful where such products were grown, in contrast to hard times in the rice-growing regions. Primarily as a result of population shifts the incidence of crime in Upper Burma increased during the war years, while it decreased in Lower Burma.(70) In Mandalay and its vicinity where money was plentiful, gambling became a mania and housebreaking became common. An enormous amount of city real estate changed hands. Similar conditions obtained at Meiktila, Pakokku, and Sagaing. Governmental administrative standards relaxed under war conditions and social controls throughout Upper Burma began to give way. Burma's increase in violent crime from 1914 to 1921 was due entirely to the demoralized conditions in Upper Burma.(71)

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British civil servants, who were asked to review the causes of increasing social demoralization reported that the villagers were giving less and less information about the movement of criminals, that evidence was suppressed, and that offenders were screened.(72) The Commissioner of Akyab reported as follows:

> "The instincts that lead to social conduct are most imperfectly developed. . . This is evidenced by the friction that exists in very many villages, the frequent murders usually committed on the very smallest provocation and the general lack of community feeling and a sense of mutual responsibility. That Burmans can develop and in the past have developed a comparatively high standard of social conduct is clear to anyone who has visited the remote parts of the province. It is equally clear that under modern conditions, this standard of conduct has largely disappeared . . .
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> "The . . . reenforcements of the social instincts which every human society has devised . . . are. . . custom, religion, and criminal law. The Government of Burma has relied almost entirely on the last named, and it is to the decay of the first two that I would largely attribute the present tendencies to crime. . . The real solution is to be found elsewhere than in the progressive improvements of the methods of police administration."(73)

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(70) RPA, 1915, p. 6. Cognizable crime for all of Burma was 41,000 in 1914, 45,000 in 1915, and almost 48,000 in 1917.

(71) Ibid., 1914-1921, pp. 8-12. In 1917 violent crimes increased by 87 instances in Upper Burma, declined by 53 in Lower Burma; in 1921, the increase in Upper Burma was 69, the decrease in Lower Burma, 64

(72) In 1919, 216 headmen were fined or dismissed and 117 villages were punished for harboring criminals.

73) Ibid., 1919, p. 11, by Mr. Clayton

182 178 The World War period also witnessed the beginnings of rapid expansion of foreign investment in Burma's mineral industries such as oil, wolfram, zinc, tin, lead, antimony, silver, and nickel. Rubber production also increased. These industries continued to expand after the war, so that from 1914 to 1942 the value of foreign industrial investments in Burma tripled.(74)

433 471 563 The Burman people did not profit from this industrial development of the resources of their country except for tax revenue and a slight increase in opportunities for employment. Most of the labor used was Indian while both executive and technical jobs went to 30,000 European operators and managers. Owners of these new industries knew little about Burma or its people and regarded the country only as a source of dividends. Communication and transport facilities, long needed, were improved out of increased taxation, but vested interests opposed making needed innovations in the political and economic field.(75)

European employees of commercial firms resident in Burma far outnumbered British Civil Servants and the former were better paid. Business interests, which wanted a strong government and an abundant supply of docile Indian labor(76), rather than Governmental ends, therefore, tended to fix the tone of the resident British community. Foreign commercial interests enjoyed legal representation in municipal councils and in the Legislative Assembly. Their conservative influence accounts in some measure for the failure of the government after the war to attack basic economic and political ills.

2. Intensification of the Spirit of Nationalism

668 178 563 182 World War I intensified national consciousness in Burma. Europe's fratricidal strife and Allied propaganda on democracy and self-determination stimulated the hopes of colonial peoples everywhere.(77) The significance of Japan's victory over Russia in 1905 became clearer. Nationalism in Burma became a factor capable of bridging racial, economic, and cultural differences, and operated as a medium of social cohesion in the interest of political independence. Anti-European expressions among the populace provoked a strong defensive reaction and a hardening of anti-native opinion especially within non-official British groups. Growing Burman suspicion made it difficult for Governmental agencies to direct even the most justifiable complaints into constructive channels. The outcome of the unfortunate combination of Burman political majorities lacking economic power, and European and Indian capital favoring strong government and the imperial connection(78) will emerge in a later context.

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(74) Helmut G.Callis, Foreign Capital in Southeast Asia (New York, 1942), pp.88-89. Oil production eventually reached 280,000 imperial gallons annually. Commercial profits outgoing averaged £10 to £12 million per year and were included in Burma's £23 million average export surplus. The Burma Oil Company paid 22 per cent annually on its ordinary shares from 1924 to 1938; Steel Brothers dominated the milling industry and much of the export and import trade; the Burma Corporation controlled the production of minerals except wolfram. See Ibid., pp. 89-93.

(75) Furnivall, Political Economy, pp. 165-170.

(76) Maurice Collis, Trials in Burma (London, 1937). Collis tells how he was dismissed as High Court judge because he dared try three Englishmen, two employees of Steel Brothers and one soldier, for offenses against Burmans, and refused to pass summary judgment on an Indian seditionist arraigned on a petty charge.

(77) Leach, op. cit., p. 18.

(78) Furnivall, Progress and Welfare in Southeast Asia, pp. 48-52.

B. Governmental Adjustments to New Demands.

1. Standards of Administrative Efficiency.

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British policy down to World War I encouraged rapid economic expansion and was largely insensitive to the negative social and political effects of such a program. Economic processes were left at full throttle on the assumption that social interests would automatically be benefitted. In reality, society disintegrated. J. S. Furnivall has described the situation as "anarchy boxed in."(79)

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British attempts to improve governmental efficiency along European lines of departmentalization ignored the traditional Burman pattern of personalized control, with the result that social services became fragmented and out of touch with the popular points of view. The officials of the central Secretariat did not learn to know the natives at all. Well-intentioned district officials often did not stay at one post long enough to cultivate local confidence and to develop popular support for their proposals. Without careful guidance, the Burman population tended to regard over-zealous British reformers as nuisances and busybodies. Discouragement inevitably took its toll, and Government agencies tended to revert to the same laissez-faire policy that foreign industrial groups advocated, refusing to tackle such problems as high rents and land alienation.(80) Such political reforms as were finally undertaken under pressure of nationalistic agitation in the 1920's were not valued by the Burmans. The dismal results of Municipal and District Council administration have been described in Chapter I.(81)

2. The First Legislative Council.

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The Legislative Council introduced in Burma in 1897 was not intended as a move toward democratic government. Like the Municipal Councils it was primarily a means by which British businessmen "on the spot" were afforded a voice in governmental affairs. The original Council consisted of nine nominated members, five of whom were chosen from the non-official British group. After 1909, one of the seventeen members was chosen by vote of the Burma Chamber of Commerce and another by the Rangoon Trades Association, both European organizations. The number was raised to thirty in 1915, but without increasing the elective element.(82)

Burman rejection of the first elective Legislative Council under dyarchy has already been described in Chapter I, as has the failure of the Rural Self-Government Act of 1921, which established the District Councils and Circle Boards. The pattern of Burman non-cooperation was set by the General Council of Burmese Associations (GCBA) which assembled in Mandalay in 1921 and voted to boycott any governmental proposals which did not "affect the speedy attainment of Home Rule."(83) Only the very moderate component elements of the GCBA were included in the eighteen percent of the qualified voters who participated in the first election. Even so, the majority of the elected councillors refused to cooperate with the government. A few ultra-conservative Burmans together with British representatives and the non-Burman Independents, constituted the pro-government side of the House.(84)

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(79) Furnivall, Progress and Welfare in Southeast Asia, pp. 48-52.

(80) Ibid., pp. 28-34, 41-43. The original Councils were entirely appointive and included forty percent non-official representation. Election of Councillors became general after 18[illegible].

(81) See Part I, pp. 10-13.

(82) Leach, op. cit., pp. 32-35; Furnivall, Progress and Welfare in Southeast Asia pp. 39-41.

(83) Leach, op cit., pp. 267-69.

(84) Leach, op. cit., pp. 34-35; ISCR, IX, pp.30-197.

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The opposition was solidly Burman in race and sympathies. Political factions developing within the Council had no foundation in the constituencies and reflected personal ambitions rather than gradations of popular sentiment. The Simon Commission reported that:

> "In the constituencies, political activities....are governed by the crude question of foreign rule; and they are inspired... by organizations outside the Council." (85)

The Legislative Council's operations under dyarchy served only to focus discontent and to accentuate the conception that "Government" was something apart from the Burman people. The official group managed to keep control of the situation by pursuing a very cautious policy and avoiding all contentious legislation, however important. There was no widespread popular interest in the proceedings of the Legislative Council, and it came to grips with no important problems.(86)

3. Attacks on the Police in the Council.

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The Burman opposition in the Legislative Council was particularly fond of attacking the police. In connection with the budget debates in 1923, some speakers objected to the heavy expense involved, others to the ineffectiveness of the system, and others to the preoccupation of the police with curbing political activities. Participants in the debate obviously enjoyed, as did the dacoits, "the exciting and exhilarating game of Police baiting." The governor was eventually obliged to certify the unvoted deficit of one million rupees later in the year. The vernacular press eventually developed a habit of villifying the police.(87)

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The government made a bold but futile attempt to reorganize the police system. They tested the efficiency of a better-paid, though smaller, staff; they separated administrative functions from criminal policing. (88) They abolished the useless forty-year-old Village Beat Patrols. The net result was an immediate and universal increase of violent crime. In several places dacoity got out of hand. Criminal elements apparently concluded that the authorities were yielding to political pressure and were therefore relaxing their hold. (89) The suffering population became so frightened that people often refused to give evidence against criminals or even to identify their own stolen property when recovered.(90) The increasing barrier of distrust between Government and people was progressively aggravated by factious opposition on the Burman side and counter-accusation on the part of British spokesmen.

4. Government's Defense of the Thugyi System.

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The office of village headman was also criticized in the Council. The government refused to allow officials including headmen to participate in popular discussion of public questions, thus isolating them politically from their villagers. In 1922, when headmen were made ineligible for election to the newly-formed district councils,(91) they encountered increasing difficulty ..

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(85) ISCR, IX, pp. 270-71.
(86) Ibid., pp. 578-81.
(87) Ibid., pp. 213-15.
(88) Ibid., pp. 211-12.
(89) Ibid., p. 211.
(90) RPA, 1925, pp. 13-14.
(91) RPA, 1921, p. 40. Royal Institute of International Affairs, Paper 1/B Burma, p. 7. Commissioners could nominate headmen to District Council vacancies.

622 in obtaining assistance from villagers to carry out their governmental responsibilities. (92)

An official Crime Inquiry Committee, in 1924, recommended that the appointment and removal of headmen should be made subject to the approval of the villagers (93) and that important powers should be delegated to elected village committees. British authorities opposed the move, for they regarded the power of the *thugyi* as the crux of village administration and feared that further weakening of his [623] authority might cause complete collapse. The Burma Village Amending Act of 1924 provided only for the election of advisory village committees to aid the headman, but the latter retained full police responsibility. Committee members received no compensation and did no work.(94) British defense of the headman's prerogatives only increased his unpopularity.

[668] The attacks against the headmen slackened somewhat after 1924, but the police report of 1927 still complained that political elements were making it very difficult for any headman to "flout the public opinion of his village." (95) From the Maubin police report of 1929 came the following revealing observations:

> "The duties of a headman are difficult and often dangerous. He may have to arrest a relative or friend causing lifelong enmity, or he may have to arrest an armed criminal at the risk of losing his life. Too much credit cannot be given to headmen for acting without hesitation in such circumstances." (96).

[621] Government increased somewhat the compensation due the headman by amalgamating village tracts, (97) and multiplied the number of rewards.(98)

5. Increased Use of Native Personnel.

563 The policy of enlisting Burman personnel in all brackets of the civil service (99) required an expanded educational program. The University of
647 Rangoon was accordingly established in 1921 as an autonomous degree-granting institution. An educational program with English as the instructional medium and designed primarily to sift the multitude of candidates for higher civil service
873 posts had obvious limitations from a cultural point of view and created political problems. The University eventually became a center of political unrest. But undoubted gains were realized from increased native participation in administrative tasks.

702 Burman sensibilities were greatly offended in 1923, when, in the face of an objection by the Burma Governor, the military services of the Government of

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(92) *ISCR*, XI, p. 447. The Simon Commission reported: "The spread of political ideas during and after the war led to a feeling....that such joint (villager) responsibility should no longer be enforced."
(93) *Ibid.*, p. 274.
(94) *Ibid.*, pp. 447-48.
(95) *Ibid.*, 1927, p. 57.
(96) *Ibid.*, 1929, p. 77.
(97) *Village Administration in Burma*, (Government of Burma) 1934-39. The number of headmen fell from 12,302 to 11,363 from 1930 to 1939; the average income rose from Rs. 175 to Rs. 223 per year.
(98) *Ibid.* 2,603 rewards were given out in 1934 and 3,394 in 1939.
(99) *Cambridge History of India*, VI, p. 447. The first Burman Deputy Commissioner had been appointed in 1908, and the first High Court judge in 1917.

702 India adopted a fixed policy of enlisting only Karen, Chin, and Kachin recruits.(100)
563 Not until 1939 was a vigorous attempt made to bring Burmans into the army.(101)
It was then too late to attempt to Burmanize the army.

6. Correlation Between Political Discontent and Lawlessness.

668 A direct correlation existed between rising political discontent
and the increasing incidence of lawlessness. Public opinion tended not to condemn
the criminal when all Burman political groups were attacking the authority of
674 Government.(102) Violent crimes were 1,456 in 1918; 2,600 in 1924; and 3,250 in
1925. Reported "cognizable crime" averaged almost 54,000 cases per year during
the twenties. Crime regularly outran the capacity of the police and the courts
to deal with it. (103) The total number of persons tried in Burman courts on all
counts averaged 193,000 per year from 1935 to 1940, the figure for the final year
being almost 204,000 cases. (104)

The contradictory position in which British rule found itself in Burma by 1930 was apparent. The problem of law and order was beyond its solution and growing steadily worse. (105) The British obviously did not trust the Burmese majority, and yet they faced the political necessity for granting it greater governmental responsibility. The Simon Commission Report of 1930 expressed no optimism, but concluded as follows:

> "It is neither possible nor desirable to go back upon the announcement of August, 1917, that it is the object of His Majesty's Government ultimately to establish completely responsible government in British India, nor is it possible or desirable to move back toward autocracy. And if the Commission hold that further advance in Indian provinces is a matter of political necessity, the same advance should be made in Burma." (106)

Turning power over to Burman hands imperilled not only the posts and pensions of civil servants but also the salaries, dividends, and invested capital of the large British industrial stake in Burma. Political necessity and economic interests were in direct conflict.

C. Economic Distress and Racial Friction.

1. Inadequate Relief for the Cultivator.

426 The chronic state of debt under which cultivators normally had less
than enough paddy to last until the next harvest after they finished settling
obligations with the landlord, the moneylenders, and the store keeper (107) gave
243 rise during the twenties to direct intimidation by clandestine debtor associations.

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(100) ISCR, Survey I, pp 80-81.
575 (101) Sir Henry Craw, "Burma", The Asiatic Review, July 1942, Vol. XXXVII, pp.260-62.
(102) RPA, 1923, p. 13.
(103) ISCR, XI, p. 210; RPA, 1919-29.
(104) Ibid., 1935-40.
(105) ISCR, XI, pp. 583-86. Said the Simon Commission Report: "Whether or not political agitation has fostered the increase of violent crime by engendering a spirit of lawlessness and defiance of authority amongst the people, political crime and sedition have appreciably increased the work of the Police Department
(106) Ibid., p. 586.
(107) J. R. Andrus, Preliminary Survey of Relief and Rehabilitation Needs in Burma, p. 7.

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> "Their object was to terrorise the Chettyars into allowing redemption of debts on ridiculous terms. Villagers .....who declined to join were assaulted or had their houses burnt or their cattle maimed. One man was murdered because he had hired fields belonging to a Chettyar." (108)

426 Even in prosperous times land was falling increasingly under ownership of non-agriculturalists. (109)

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Relief measures were inadequate. Governmental lending facilities were cumbersome and the funds available were woefully insufficient to meet the demand. The government agent usually spent only a short time in a given place and had nothing to gain by adding loan administration to his already numerous responsibilities. (110) During the twenties the government sponsored cooperative societies made up of groups of cultivators who could borrow funds from banks on the basis of a pledge of collective security. Such a joint pledge could be effective only under efficient administration in a settled locality where participating individuals knew one another. These conditions were not present in most debt-ridden areas. Delta cultivators already in the clutches of the moneylender usually needed larger advances than were available through the societies. Even in Upper Burma, where conditions were much more favorable, only a small proportion of the societies survived. Generally speaking, carelessness and laxity in repayment of obligations were so long tolerated by local committees that the debts became irretrievable. (111)

2. Increased Hostility Toward Indian Labor.

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The annual immigration of Indians reached an all-time peak in 1928 with 428,343 entries at Rangoon alone. Excess of entries over departure from 1922 to 1928 averaged 64,000 a year. Burman harvest labor was being displaced even in central Burma. (112)

Depression and racial rioting brought this trend to an abrupt end in 1930. For the next two years, Indian departures exceeded arrivals by 30,000 and 57,000 respectively.

In May 1930 a number of Indian laborers were killed during a succession of riots in Rangoon. One of the ugliest phases of the riots was occasioned by the discharge of Burman dock workers who had been temporarily hired as strike-breakers. The riots were followed by a prison mutiny in which the Burman prisoners tried to kill the Indian superintendent. An understanding British magistrate characterised in the following words the spirit of the naive populace following the riotous outbreak:

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(108) ISCR, II, p. 216.
(109) Interim Report of the Rent Inquiry Committee (hereafter cited as IRRIC) pp. 14-17; Appendix III, pp 62-63.
(110) Furnivall, Political Economy, pp. 148-52.
(111) Ibid., pp. 152-61. During the later thirties a fairly successful effort was made to reorganize bankrupt cooperatives with the result that some 1,520 of them were actively functioning by the end of June 1939.
(112) Burma Round Table Conference Proceedings (London, 1932), p. 84.

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> "The Burmese proletariat walked with a lighter step. They had shown the Indians their place. This was Burma, a land which had been independent for hundreds of years before it fell to the English. Too many Indians had crowded into it from their starving villages across the bay. They could live on nothing and undersell the Burmese, and there was a swarm of them too in the public services.... Well, they had been taught a lesson." (113)

III. THE PERIOD OF THE NINETEEN THIRTIES.

A. The Depression in Burma -- Economic Effects.

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Then came the depression. The price of paddy fell from over 200 rupees per 100 baskets in 1928 to 120 rupees in 1929, to 80 rupees in 1930, and finally to the ruinously low price of 60 rupees in 1931, far below the cost of production. What little equity the Burman "owner" had acquired in his land was liquidated. (114) The Chettyars also lost heavily, but when they could not secure buyers or tenants to take over the obligations on the debt lands, they could still foreclose their mortgages. More than one-quarter of the nine million acres of delta rice lands passed into Chettyar hands as actual owners, and much of the remainder was under their control. (115) European-owned mills, mines, and other industries also curtailed operations. (116)

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In the resulting straitened economic circumstances, Burmans were forced for the first time to leave the land and enter into direct competition with the surplus of Indian labor for undesirable jobs. They were angry as well as hungry, and they blamed the authorities for their woes. The Government was not capable of the heroic relief measures called for. Current plans to restore equities in land to Burman cultivators officially "broke down on the difficulty or the impossibility of defining 'agriculturalist' in Burma," [illegible] the necessity of keeping in mind the "susceptibilities of the Indians." (117) The mass of the population of Lower Burma became footloose and landless. Anti-Indian feeling was increasingly intense and British authorities shared the popular resentment. (118)

B. Political Repercussions.

1. Concentration on Political Objectives.

Prior to 1924, Burma's excessive lawlessness was attributable mainly to demoralized social and economic conditions, and to popular non-cooperation

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(113) Collis, op. cit., pp. 209-220.
(114) Sir Arthur Page, "Burma in Transition", Asiatic Review, XXXIV (1938), pp. 238-39.
(115) Non-agricultural ownership for all land in Lower Burma increased by two and one-quarter million acres between 1929 and 1937. See IRRIC, Appendix III, pp. 62-63.
(116) Furnivall, Southeast Asia, pp. 52-54.
(117) Page, op.cit., p. 239. Statement by Governor Sir Charles Innes.
(118) The Land and Agricultural Committee found, in 193[illegible], that fifty percent of the tenants in Pegu district remained in place only one year, and that an additional seventeen percent stayed only two years. The Committee commented:

> "We think that conditions in Lower Burma are nearing the danger point, and that the continued transfer of land....to the non-agriculturalist is likely to result in violent agitation for the ousting of the foreign owner." (Quoted in IRRIC, p.11).

178 with the police. Thereafter, nationalist agitation reflected both social discon-
tent and rebelliousness. The confluence of these several streams of disaffection
produced cumulative psychological results. All goals, social, economic,
668 political, were presumably to be achieved by ending foreign rule. Independence
became the objective of all striving and concurrently the assumed solution of all
674 problems. From the Burman point of view it was no longer pertinent for anyone
to suggest that self-government must await the development within Burma of a
larger measure of social responsibility. They believed that the colonial
government had forfeited their confidence, and they resented official homilies
concerning respect for "law and order". They came to regard British "face",
always self-assured, authoritative, aloof, and never-bothering to get acquainted,
as an affront to the dignity of the Burman nation.(119)

2. Rise of the Thakin Party.

668 For a number of reasons political disaffection developed among the
665 student population of Burma. The entire Anglo-vernacular educational system
extending through the University, which was the only road to civil service
preferment, came to be regarded by many as a means of humiliating and
[647] denationalizing the Burman people. Those who gained entry into the Civil
Service, although secretly envied, were accused of having abandoned the
nationalist cause in the interest of their personal advancement.(120)

Student opposition to British rule found expression in the organization
of the radical *Dobama* ("We Burmans") Society in 1930. Members greeted each
other with the title *Thakin*, a word meaning Lord, which the British had in the
nineteenth century designated as the proper salutation for themselves. Society
members became popularly known as the "Thakins." In 1935 the *Dobama* Society
absorbed the Burma Youth League to form the so-called *Dobama Asi Ayon*. (We
Burmans Association). Their declared purposes were to obstruct governmental
activities and to wreck the existing constitution. After 1938 several Thakin
leaders developed personal and ideological connections with the Communist
Party of India. They organized strikes at industrial plants and popular protests
[468] against exorbitant bazaar rentals. They even supported a strike of the Indian
ricksha coolies of Rangoon. But mainly they fomented indiscipline in the schools
throughout the Province.(121) Many of the Thakins were imprisoned for seditious
[871] utterances. The Thakins advocated complete freedom for Burma and radical
economic changes; they condemned the corrupt practices of Burman politicians;
they asked no favors of Government. In this group British "face" found its
counterpart in an out-and-out revolutionary organization which, however inexperi-
enced, could not easily be controlled.

3. The Rebellion of 1931.

The Burmese rebellion of 1931 had roots not in the Legislative
[651] Council but in the politically inarticulate substrata of Burmese society. Saya
San, leader of the rebellion and an executive member of one faction of the
General Council of Burmese Associations (GCBA), had been assigned by the
669 organization to inquire into the causes of increasing agricultural distress
and particularly complaints concerning the forced collection of the capitation
(*thathameda*) tax and Chettyar collections. Another grievance concerned the denial
[313] to villagers of free access to forest areas for needed bamboo and firewood.

After completing his investigation, Saya San allegedly withdrew from

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(119) Collis, *op. cit.*, p. 58, 67-73, 101-02.
(120) Furnivall, *Reconstruction*, p. 75.
(121) *IRRIC*, pp. 43-48.

669 the GCBA and began to make secret preparations for an armed rebellion with the objective of overthrowing British rule. The temporary incumbency of a Burman as Acting-Governor may have emboldened the rebels. The first move to collect the capitation tax in the Tharrawaddy area in December 1930 was the signal for the rising. (122)

668 The rebellion was as obscurantist and foolhardy as it was determined. Tattooing was generally used as a means of rendering the participants invulnerable to bullets. The rebels killed headmen and attacked both Indian Chettyars and 669 laborers. But their fanatical resistance to the better-armed government troops, the first serious effort of the kind since 1837, was a marvel of improvisation and courage. Crude cannon were made from lengths of gas piping, and telegraph [411] wire was chopped up for canister. The rebellion was widespread and Government efforts were extended to put it down. After organized military operations ceased the embers of rebellion continued to smolder and the movement degenerated into gang violence and looting. (123) A young lawyer named Ba Maw gained notoriety by defending the captive Saya San in court.

The principal significance of the rebellion from the standpoint of the problem of law and order was that it revealed the radically seditious temper of the lower strata of Burmese Society, which had thus far refused to participate in any of the elections. The same elements made up the rank and file of the so-called anti-separationist movement which will be considered shortly.

668 The rift between people and authorities was carried over into the Legislative Council by Government's proposal of a Criminal Law Amendment Act authorizing 687 arbitrary arrests on suspicion of seditious intentions and the trial of apprehended persons in summary fashion by special judicial commissioners. The declared reason for the measure was the activity of Bengali revolutionaries within 646 Burma. (124) The debate on this measure multiplied the recriminations. Said an Indian Councillor:

> "It is this incongruous and insensible type of legislation which, more than any other, has been the cause of constant friction between the Government and the country......Instead of preventing terror, it inspires it." (125)

A Burmese member from the Government side of the Council suggested that:

> "If Government is so bankrupt of ideas, why not call for a conference of the leaders of the various communities in Burma and give their views on the question?" (126)

Mr. Fredorich Leach, speaking for the bill, argued that it was a slur on Burma's good name to allow its territory to be used by Bengal revolutionary agitators and anarchists. Sir Oscar de Glanville warned that "the extent of Parliament's

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(122) Burma Round Table Conferences Proceedings (London, 1932) (hereafter cited as BRTCP) pp. 67-80

(123) "Report of the Rebellion in Burma up to 3rd May 1931, and Communique of 19th of May 1931." Parl. Cmd. Paper 3900 (1931), Vol XII, pp. 18-20.

(124) The Burma Criminal Law Amendment Act (London, 1931), pp. 5-14. The Act was to run for five years.

(125) Ibid., p. 25, By E.P. Pillay.

(126) Ibid., pp. 52-55. By Ba Pe, Burma leader at the Round Table Conference.

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grant of responsibility [for Home Rule] depends upon the people of Burma and to a very large extent upon the opposition of the House." The measure was defeated but not before it had alienated conservative elements in the Council which had entertained no sympathy whatever for the foolhardy Saya San.(127)

4. Anti-Separationism and the Burma Round Table Conference.

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The British proposal that Burma be separated from India, which the Simon Commission had recommended in 1930 with apparent Burman consent, ran into unexpected opposition at the Burma Round Table Conference at London in November 1931. The argument for the proposal seemed conclusive. Burma could play no useful role in the contemplated program for a federation of the Indian provinces and states, and it was perfectly obvious that Burmans would never allow themselves to be ruled by a self-governing India.(128)

Anti-separationist sentiment drew its inspiration primarily from Burman distrust of British intentions. Some feared that Britain was deliberately setting Burma adrift from India in order to reduce her to the status of a Crown Colony. If Britain wanted separation, they argued, it must be for some sinister reason. (129) No balanced calculation of possible advantages and disadvantages deriving from separation was attempted. Opponents of separation simply decided that if Parliament offered Burma anything less than complete self-government, they would reject the offer out of hand, regardless of the opinion of the Legislative Council.(130)

Burman suspicions were not quieted by London's assurance in January 1931 that "the prospect of constitutional advance held out to Burma apart from British India will not be prejudiced" by separation. When the British representative on the Burmese Round Table delegation, Sir Oscar de Glanville, tried to claim for Burma all of the promises previously given to India, he was promptly corrected. London's spokesman, Mr. Wardlaw-Milne, explained that the British Government had made no commitment whatever with regard to the character of the new Constitution for Burma. The document would be suited to Burma's needs, he said. It might be superior, it might be inferior, to that of India.(131) A more generous interpretation of British intentions would have been justified in view of the final character of Burma's Constitution of 1935. As it was Burman anti-separationist fears seemed fully confirmed.(132)

The Round Table Conference also demonstrated the complete unanimity of all strata of Burman political opinion on the need to establish self-government for Burma if law and order were ever to be restored. Burman spokesmen (133) affirmed the complete lack of popular confidence in the existing Government of Burma and insisted that only the agencies of a government trusted by the people could get at the roots of the difficulty. A new, fully responsible Burman government must be installed without delay, they insisted, if further disorder and suffering were to be avoided.(134) Some spokesmen, in effect, challenged the right of Parliament to determine Burma's Constitution. Dr. Thein Maung,

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(127) *Ibid*., pp. 26-30.
(128) *ISCR*, II, Recommendation, pp. 181-84.
(129) See account of Sen Gupta's Rangoon trial in Collis, *op. cit*., pp. 34-35, 68-73, 166.
(130) *IRRIC*, pp. 23-24; *BRTCP*, p. 65.
(131) *BRTCP*, pp. 48-53.
(132) *Ibid*., p. 35. Statement by U Ni.
(133) Particularly U Chit Hliang, U Ni, and U Ba Pe.
(134) *BRTCP*, pp. 31-34, 37, 39, 64-65, 67-68, 81.

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668 later to be Dr. Ba Maw's wartime ambassador to Japan, advanced one of the few effective arguments premised on the legal realities of the situation. Said he:

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> "I would like to remind the members of the British Delegation that they should bear in mind the decisive fact of the logic of events, that it is safer to go forward than to stand still, and to confer institutions perhaps somewhat prematurely than to arouse discontent by withholding them. The success of the working of representative institutions depends, not so much on their logical excellence, as on their being able to attract and make use of the forces of public opinion." (135)

The final report adopted by the Round Table Conference simply registered the views of the delegates, often quite divergent in character, on all important matters relating to Burma's future constitution.(136) In the subsequent election of 1932, the non-cooperating elements of the GCBA and the potent pongyi Sangha Association participated for the first time to swell the overwhelming majority of the anti-separationists. Despite the vote, there was nothing for the British to do but decide for separation and to proceed to implement the newly-drafted Constitution, which proved to be quite as liberal as that given to India.(137) British-Burman relations nevertheless suffered because the new arrangement was imposed. An Order in Council issued concurrently 648 with the constitution, and after consultation with the governments of India and Burma, froze existing commercial and immigration regulations until three years after separation took place, or until 1940.(138)

5. The Functioning of the new Parliament.

The functioning of the new Burman Parliament was hindered by the 646 intense rivalry of Burman political leaders, which made it impossible to secure a working majority drawn from native-born elements. Dr. Ba Maw finally succeeded in establishing himself as premier in 1937, but he was obliged to 665 depend upon non-Burman support, just as had the ministries under dyarchy. Parties and coalitions were fluid, with two new groups, the *Myochit* (Patriotic) party of 204 U Saw and the *Dobama Asi Ayon* gradually gaining strength and prestige. The vernacular press, led by U Saw's paper, the *Sun*, kept up an intemperate attack against British and Indian elements.(139) Dr. Ba Maw's political rivals spared no means of embarrassing him.

663 A disquieting feature of the new regime was the increase of corruption and bribery in all branches of the administration. The civil service began to feel that they could no longer count on the firm support of the Burman Ministers in maintaining service standards.(140)

C. The Anti-Indian Riots of 1938.

779 Popular furor aroused by several intolerant passages in a republished book by a Muslim author attacking the Buddhist faith became the occasion in July 1938 for a very serious riot in Rangoon. A mob from Rangoon's Shwe Dagon

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579 (135) *Ibid.*, p. 84.
(136) *Ibid.*, pp. 106-139.
563 (137) Leach, *op. cit.*, pp. 48-50.
(138) *Parl. Cmd. Paper* 4985 (London, 1935) pp. 11-13.
(139) *FRRIC*, pp. 34-36.
(140) *Final Report of the Riot Inquiry Committee* (cited as FRRIC hereafter) (1939) pp. 263-64.

579 563 Pagoda surged into the downtown section and started attacking Indians. Disorder extended in concentric circles from Rangoon as soon as the news spread. The verified casualties of the rioting were 1,084, of which over 200 instances were fatal. Crown forces killed 56 Burmans and wounded 99 others in putting down the disaffection. (141) The amount of looting in Indian homes and shops was prodigious.

A Riot Inquiry Committee, consisting of a British chairman and secretary, two responsible Burmans, and two Muslim Indians, produced the first official full length statement of Burma's problem of law and order. So critical was the situation which the committee uncovered, that they paused at Mandalay in the course of their investigation to prepare an Interim Report dealing with factors on which prompt remedial action was needed. (142)

[423] [426] [464] The unsatisfactory status of land tenure was named the basic underlying cause. The Committee declared that for more than forty-five years the problem of land alienation had been recognized but not attended to, while the evil grew progressively more intractable. Some remedy had to be found if discontent was to be allayed. (143) Opposition to Indian labor was a second cause. (144) The report declared:

> "There does exist especially in Lower Burma a feeling whether right or wrong, that the continued immigration of Indians into Burma constitutes a danger to the prospects of the Burman himself......Indian immigration into Burma has become a burning question in the eyes of the Burmese people.....Until something is done either to remove the uneasiness....or to satisfy it, it will remain a standing source of danger."

The report urged that a preliminary exploration be made of the extent to which Indian labor had displaced that of the Burman. (145) In the meantime some sort of preliminary contact between Burma and India on the immigration question might profitably be made "for the purposes of satisfying the anxiety of the vast majority of the Burmans." (146) The Order in Council which had accompanied the Government of Burma Act prevented any definitive action until 1940.

462 563 579 A third cause concerned the status of Burmese women married to Muslim Indian husbands, where the wife sacrificed that equality of status with her husband which existed under Burman Buddhist law. Property inheritance rights of the Burmese wife were impaired and she was required under the marriage contract to renounce her Buddhist faith and to raise her Zerbadi children as Muslims. The process, it was argued, would eventually split the social structure and create an additional minority problem. (147) No specific solution was advanced for the Zerbadi question.

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(141) Ibid., p. 201.
(142) IRRIC, pp. 1-5, 8-11. The sixteen localities most seriously affected were visited. Most attention was given to Rangoon, Yenangyaung, Sagaing, Shwebo, and Mandalay.
(143) Ibid., pp. 11-14.
(144) Ibid., pp. 14-17. As of the 1931 census. Indians held forty-six percent of all transport jobs, seventeen percent of all trade employ, and sixty percent of industrial places in a country where they represented only seven and a half percent of the population.
(145) Ibid., pp. 21-22.
(146) Ibid., pp. 26-27.
(147) Ibid., pp. 28-33.

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As a fourth and final underlying cause of the riots the report charged the vernacular press since 1933 was charged with having done everything in its power to poison Burman-Indian relations. The press was indicted for applauding contempt of law, fomenting industrial unrest, and trying to thwart civil and police authorities in the performance of their duties. The false rumours issued by the press were said to have played a large role in extending the rioting.(148)

1. Public Attitude Toward the Police and the Rioters.

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The Final Report presented by the Riot Inquiry Committee contained pertinent references to three important matters relating to law and order, namely, the status of the police, the attitude taken by the public toward the rioters, and the role of the *pongyis* (Buddhist monks).

The following statement with respect to the first of these items requires no comment:

> "No one .....who studies...the position of the police in Burma ....can fail to be struck by ....the impenetrable barrier of prejudice, suspicion and distrust which separates them from all classes of people.....If there is anything more than another which is responsible for the stubborn resistance of crime to all attempts to decrease its volume in Burma, it is, we think, the universal distrust of the police..... A complete and thorough over-haul of the police system of the country is ....most to be desired.....If confidence in the police could be established, then, we think, the people would be more ready to accept the rule of law. And once that happened, a public opinion might arise which would insist upon tranquility."(149)

The report also criticized the over-meticulous regulations which prevented prompt police intervention during the initial stages of rioting.(150) Subordinate police were not sure, for example, exactly what their duties were, or for that matter, whether they would be supported if they should unintentionally violate the regulations. Police morale was reported to be declining under the double barrage of public opposition and the intemperate criticism coming from Burma's elected representatives.(151)

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Arrested rioters were treated leniently by the lower courts because of public sympathy for them and the intimidation of prosecution witnesses. Many known rioters were not arrested.(152) Particularly ominous to the British was the fact that many village headmen had either abetted the rioters or actually led them in their attacks. The report commented as follows:

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(148) Ibid., pp. 34-36, FRRIC, pp. 273-76.
(149) FRRIC, pp. 225-27.
(150) Only an officer in charge of a police station could disperse an unlawful assembly, and a magistrate's consent frequently had to be got before any order to fire could be given.
(151) FRRIC, pp. 227-36, 247-49.
(152) Of the 4,306 charges actually laid, only 1,798 cases were tried and 800 persons convicted. In one instance, the secretary of a Cabinet Minister brought pressure on a Deputy Commissioner to secure the release of prisoners in his home district.

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> "Not the least of the depressing aspects of our inquiry has been the evidence of the readiness, indeed the anxiety of Burmans on every hand to do whatever lay in their power to exculpate those who have transgressed in those riots.... There has been displayed before us so complete an absence of public spirit and good citizenship in this respect that we might have been excused had we abandoned hope -- which we have not -- of the creation of a sound and healthy public opinion in Burma. This has nothing to do with nationalist ambitions, with which we sympathize. For, in our view, the quickest way those ambitions can be realized is by the establishment among the Burmans of the nation of a spirit of orderly conduct, tolerance, and honest dealing, while the greatest handicap to their realization is the spirit of hostility to discipline and social order which has been displayed before us.....There is no doubt that the sympathies of the vast majority of respectable men and women lay, and still lie, with the rioters and not with their victims or the police." (153)

[792] The Riot Committee charged, finally, that designing political groups had exploited the prestige and immunities of the Buddhist monks for unworthy ends. Meetings of a subversive character had been held in kyaungs (monasteries), and criminals purporting to be monks had participated in all types of rioting, including assault, looting, and even murder. More than 130 specifically recorded cases were cited in an appendix to substantiate the charge. (154)

The Riot Committee, in short, presented a picture in which the government had delayed too long in taking cognizance of economic and political grievances, popular hatred and distrust of the police was rampant, and police efficiency and morale were giving way. (155)

D. Incidental Factors Baring on Lawlessness.

1. Educational Policy as a Factor in Unrest.

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The Burman Buddhist community generally disliked the Anglo-vernacular educational system because it discredited traditional Buddhist learning and undermined the prestige of the monks. In their pre-British medieval world it could be argued that the monks had taught Burman youth the religious and moral principles by which they were to live, whereas popular secular schools, however badly, concentrated on preparation for making a living. Religious sanctions to right conduct had therefore become ineffective.

The pongyis, who were characterized by J. S. Furnivall as the "symbol of hostility to western ways and values.... hopelessly obscurantist and ignorant in terms of modern learning," (156) were losing the respect of the student nationalists. And yet in many villages the monks controlled the votes of the uninformed peasantry and no candidate for elective office dared offend the local pongyi political bosses.

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(153) *Ibid.*, pp. 265-273.

(154) Out of deference to popular feeling, only one kyaung had been searched by the police, although it was known that many of them harbored hooligans and had been used as depositories for loot.

(155) *Ibid.*, pp. 287-91.

(156) Furnivall, *Reconstruction in Burma*, pp. 26-27; Christian, *op. cit.*, pp. 199-200.

000 pongyi political bosses. (157)

871 668 647 Student discontent centered on the arduous examination system which took heavy toll of high school and University candidates. (158) Only the honors students could normally qualify for Class I of the civil service, and no more than twenty-five percent of the bachelor of arts graduates normally qualified for Class II. For B.A. holders who were rejected, only subordinate service jobs and clerkships remained, and such individuals were compensated meagerly for their educational investment. The declining utility of education was a measure of increasing student discontent. What Burmese students learned in school was largely irrelevant to anything but the passing of the examinations themselves, while the system of progressive elimination guaranteed that the discontented group would far outnumber the successful. Anger and frustration abounded. Student strikes at the university were easy to foment around examination time, and certain politicians exploited the opportunity to the full. Election to the headship of the University Student Union was a promising step toward a political career.

The Prison System.

697 [288] The number of Burmans committed to jail annually numbered in 1932 almost three times the total prison capacity. (159) All but two or three percent were male adults. (160) Administrative efficiency of prisons as measured by health considerations was high, but stress was placed on making them self-supporting. Expenses were rigidly curtailed and production emphasized. At certain quarry-camp jails, the annual per-capita income was from 87 to 97 rupees, two to three times the per-capita food cost. The only woollen mill of any importance in Burma was in the Insein jail, where production in 1932 was 62 rupees per capita. Besides rock quarries and woollen mills, there were furniture and rug factories, boot factories, dairies, and gardens. (161) Imprisonment at virtually forced labor was not a deterrent for crime, while simple incarceration for short terms was particularly ineffective. (162) Jail sentences carried no social stigma whatever.

681 674 The percentage of convictions in court cases averaged seventy percent and was highest in the areas most seriously affected. Criminal incidence was not, therefore, attributable to court laxity. (163) The courts, police, and prison system added up to a very considerable drain on the public revenues, but succeeded at best in holding back the flood of lawlessness.

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(157) Ibid., p. 199.

(158) Year after year sixty-five to seventy percent of the tenth-standard (high school) candidates failed to pass their examinations; about fifty-two percent of the Intermediate (sophomore) University students regularly failed of promotion; approximately thirty-five percent of the baccalaureate candidates failed.

(159) Prison entries increased from 37,400 in 1918 to 51,000 in 1928 and 62,600 in 1932 while the jail capacity was 22,000.

(160) ISCR, XI, p. 160; Report on the Prison Administration of Burma, 1932 (1933), pp. 1-2, 6-7. In 1932, 2,400 prisoners were released by "jail delivery" to relieve overcrowding. Very few women were convicted and juvenile delinquency constituted a very small fraction of the total crime.

(161) The total receipts from prison industry sales, even during the depression years, averaged over eight lakhs (800,000) of rupees.

(162) Ibid., pp. 6-7.

(163) Ibid., 1939, pp. 16-19.

E. Outlook on Eve of World War II.

646 665 185 A remarkable factor amid the personal vendettas, feuding with the Governor, student strikes, and the increase of political corruption in the pre-war years, was the growing prestige of the Thakin party, which took a bold stand against official dishonesty; another was the fact that the Legislature at long last came to grips with the basic social problem of land ownership. On this question, all Burman parties in the legislature were in essential agreement on the fundamentals of what they wanted. (164)

426 423 241 [167] A Land and Agricultural Committee was appointed in 1937. In 1939 a Tenancy Act was passed to fix fair rents and give greater continuity of tenure, and an accompanying Land Alienation Act to prohibit the surrender of land by "agriculturalists" to "non-agriculturists." An attempt to apply the Tenancy Act encountered serious administrative difficulties. The Land Purchase Act of 1941 gave the government power to acquire land for distribution to agriculturalists. Another proposal to provide government land mortgage facilities was under consideration at the outbreak of the war. The war cut short efforts to administer these laws. On the basis of the report of a special Study Commission on the Indian Immigration question, issued in 1939, an agreement was arrived at with the Indian Government in 1941 granting the Burman Government control over its own immigration policies. (165)

178 Although no fundamental economic and social problem had been solved by 1941, Burmans were at last free to undertake remedial measures. The difficulty of finding solutions was greatly aggravated by the appalling destruction and demoralization of the war. With respect to the capacity of the Burmans to deal with their unfortunate tradition of lawlessness, the following comment of an experienced and sympathetic British civil servant is significant:

> "To the British it might seem that the Burmans with their deplorable leniency toward offenders and disbelief in the moral value of punishment, would not easily cope with this disease. But it should at least be remembered that the British had utterly and completely failed to do so. With all their multiplication of police, magistrates' courts, and prisons, they had not progressed an inch toward the cure, and did not even know that they were on the right road. Burmans are not naturally criminal; even today there are thousands of villages with little or no crime. A Burmese Government might in time succeed where the British have failed." (166)

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(164) B.W. Swithinbank, "Responsible Government in Burma", The Asiatic Review, XXXIX, No. 138, (April 1943), pp. 153-58.
(165) Royal Institute of International Affairs, op. cit., No. 1/B p. 10.
(166) Swithinbank, op. cit., pp. 157-58.

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PART II. MALAYA.

by

Patricia G. Barnett.

P. 50(A)

PART II. MALAYA.

INTRODUCTION.

000 British areas in Southeast Asia have been governed through one of the most intricate administrative patterns of any dependent area in the world. Secured by Britain during the nineteenth century, they composed at the outbreak of World War II nine individual protected states on the Malayan peninsula and a colony covering the islands of Singapore, Penang and Labuan, and the areas of Malacca and Province Wellesley on the mainland. In addition, British control in nearby North Borneo encompassed one more protected state, a rajahdom and the property of a chartered company, but was unrelated to Malaya in governmental terms except through the contacts of individual civil servants who were occasionally transferred from area to area.

Since the end of the war, the strategic importance of these areas to Britain has increased as Britain prepared to withdraw from India. British postwar policy toward Southeast Asia has focussed on the creation of a centralized and uniform administration which could provide an orderly framework within which native participation in government could be developed without threatening firm British control.

121 In the following pages, the nature of the relations between Britain and the British dependencies on the Malayan peninsula is traced as it existed both legally and actually at the outbreak of the Pacific War and as it has developed since the end of the war.

I. PREWAR RELATIONSHIP OF MALAYA TO THE UNITED KINGDOM

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Britain concluded a treaty with the Sultan of Johore in 1914 extending British control, though technically not British sovereignty, over the last nominally independent state on the Malay peninsula south of Siam. In fact, however, for at least six decades prior to 1914, complete political and economic dominance of Malaya had centered in London. Thereafter, although the fiction of five independent Unfederated States and four Federated States was maintained with appropriate ceremony, the whole area was subservient to Britain on all matters except Malay religion and religious customs which were left to the control of the Malay Sultans.

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Malaya's economy was as dependent as its political life upon Britain. Despite the fact that, even in the late thirties, a third of the tin and rubber production, the backbone of Malaya's prewar economy, came from properties owned by Asiatics, even those industries were regulated by British firms whose finan-

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cial power emanated from London. Although export taxes on tin and rubber provided an important share of the revenue of the Malay States, making possible the development of transport and welfare services, the bulk of profits flowed to Britain and the foreign exchange accruing from sales abroad was used to cover imports into Britain rather than into Malaya.

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Britain's 100 years' rule of Malaya prior to the Japanese occupation was generally peaceful, unmarred by civil wars or revolution. Nationalistic impulses were few and loosely organized. Only a handful of Malay intellectuals thought in terms of "independence for Malaya" or "Malaya for the Malays". Potential conflict between the Chinese residents, some 43 per cent of the population in July 1941, and the native Malays, only 42 per cent, for control of Malaya's economic and political life was still largely dormant in spite of the unchallenged superiority of the Chinese in commercial affairs. The trend towards cooperation between British, wealthy Chinese, Indians and Eurasians, who considered themselves permanent residents of Malaya, in striving for participation in the government of Malaya and in seeking to weaken the grasp of London firms on Malaya's business life, had barely started. Dual citizenship had not seriously undermined the loyalty of Chinese and Indian residents to Malaya.

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Close relations were maintained between Malaya, particularly the Straits Settlements, and Britain as much by personal contact as by administrative structure. The largest firms exploiting Malaya's rubber and tin resources or engaged in trading had their head offices in England but retained their principal Malayan offices in the Straits Settlements. There was constant travel and correspondence back and forth between London and Malayan offices. Smaller firms limiting their business activities to Malaya and operating entirely on the peninsula, had their main office in the Straits Settlements. Even though Britishers in the Malayan Civil Service spent the greater part of their careers in Malaya rising rank by rank to positions of some administrative power, the majority of them sent their children "home" to England to school and college, spent their leaves at "home", and planned to return to England upon their retirement to live on a pension from the Malayan Government. Thus, personal contacts between Britishers in the Straits Settlements and Britain were an important means of maintaining close relations between Malaya and the United Kingdom. Travel back and forth between Malaya and England was of course much less common for Chinese and Malays. However, the Sultans paid official visits to England from time to time, several of the brighter students from each class at Raffles College were sent to England to complete their education, and members of the wealthier Chinese firms paid occasional visits to England.

a. British Policy toward Malaya

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Very little was said before the war by British officials, either in England or in Malaya, about the British Government's plan for Malaya's political future although it was assumed that Malaya, like all other sections of the Empire, was to be prepared for eventual self-government within the Empire. The Colonial Office, which was charged with responsibility for governing Malaya, appeared to assume, whether correctly or not, that the Malays were satisfied with the pattern of indirect rule worked out for them, and that the heterogeneous character of the population made any immediate program of self-government undesirable. It was further assumed that non-European foreigners in Malaya were fully occupied in pursuing their economic aims and did not care about a political role. To more liberal Britishers and articulate Asiatics it appeared that developments in India, Burma and Ceylon might be considered to offer a pattern for Malaya.

175 642 During the nineteenth century, the British Government had taken the attitude that colonial areas should be financially self-sufficient. Funds for educational, health and transport developments were raised locally. By 1940, with the passage of the Colonial Development and Welfare Act, this policy was reversed and it was clear that thereafter the British Government would take some responsibility for developing colonial areas. The Act declared that "His Majesty's Government are trustees for the well-being of the peoples of the Colonial Empire . . . The primary aim of Colonial policy is to protect and advance the interests of the inhabitants of the Colonies in which term are included for the purpose of this statement Protectorates and Mandated Territories."

In July 1943 the Colonial Secretary stated in the House of Commons, "We are pledged to guide Colonial people along the road to self-government within the framework of the British Empire. We are pledged to build up their social and economic institutions, and we are pledged to develop their natural resources."

These two statements expressed the heart of Britain's official prewar policy towards colonial areas: eventual self-government, preceded by the improvement of educational and welfare standards. No specific statements were made about Malaya –– except to point out that in developing the country special attention would be given to safeguarding the interests of the indigenous peoples, the Malays.

The first official statement relating to postwar Malaya was made in December 1943 –– "the main object of His Majesty's Government as regards the political future of Malaya will be the development of its capacity for self-government within the Empire." This objective was reiterated in October 1945 in the announcement of the British Government's plan for the postwar government of Malaya through a Malayan Union. But no date was set for the attainment of self-government nor were a series of steps towards that goal laid down.

b. Malaya's Role in the British Empire

1. Relation of Component Parts of Malaya to the United Kingdom.

631 Before the Japanese occupation, Malaya was divided into ten administrative units–– the Straits Settlements and nine Malay States. The Straits Settlements, consisting of Singapore, Penang, Province Wellesley, Malacca, Christmas and Cocos Islands, and Labuan, was a Crown Colony under the direct control of the Colonial Office. The Malay States were protectorates. Four of them had been joined together in 1895 to form a federation and were governed by a High Commissioner, a Federal Council and federal government at Kuala Lumpur. The five independent states retained their predominantly Malay structure of government although their rulers were required to take the advice of British Advisers on all matters except Malay religion and religious custom.

635 647 (a) The Straits Settlements. The Straits Settlements have been longest under British rule of any part of the Malay peninsula (Penang having come under British control in 1791, Singapore in 1819 and Malacca in 1824) and have been closest in their relations with Britain. Like most Crown Colonies, the Straits Settlements were administered by a Governor, acting through advisory Executive and Legislative Councils. The Governor was appointed by the Colonial Office from among the ranks of British civil servants and generally had not had previous service in Malaya. His executive assistant, the Colonial Secretary, and other principal officials rose from the ranks of the Malayan Civil Service. While they had come fresh from Britain to start their careers in the lower ranks and would return to England upon their retirement, it was the Governor who retained generally the

635 647 more recent and close relations with the home country. Members of the Executive and Legislative Councils were chosen from the select higher strata of resident Europeans and Asiatics. The lower and clerical jobs in government were held by Asiatic appointees to the local Straits Civil Service.

642 (b). *Federated Malay States*. Relations between the Federated Malay States and Britain were looser than those of the Straits Settlements. Whereas, in the latter, the Governor was required to consult his Executive Council on all important questions and had to report to the Secretary of State for the Colonies if he did not take the Council's advice, there was no such requirement in the Federated States. The Governor of the Straits Settlements was concurrently High Commissioner of the Federated States (as well as for the Unfederated States) and presided over the Federal Council, a dominantly official European body which had legislative authority on all questions except a few (e.g. education, forests, some aspects of public health, agriculture and Islamic law) which were reserved to the State Councils. Although the High Commissioner was theoretically the principal executive officer of the Federated States, he was, in fact, too busy to exercise his function regularly and delegated many executive functions for direction of federal departments and communications with the states to a Federal Secretary. The latter was, however, junior to the four British Residents in the States and his department heads were in most cases only Advisors to the separate State departments. The Residents had direct access to the High Commissioner and through his office to the Colonial Office in London.

(c) *Unfederated Malay States*. The Unfederated Malay States had a considerably higher proportion of Malays in their state governments than did the Federated States. In addition, several of the key posts were held by Malays. This was particularly true in Kelantan and Trengganu where all the leading positions, except one or two technical ones, were held by Malays. Since there was no federal structure superimposed on state governments in the Unfederated States, considerably greater authority rested with state governments than in the Federated States. [177] Finally, the principal official performed as an Advisor, despite the fact that his decisions had to be accepted in all matters except religion. It follows that there were far fewer Britishers in the Unfederated States than in any of the other parts of Malaya. Hence, contacts with Britain were fewer, and, in atmosphere, the Unfederated States were definitely detached from United Kingdom influence. The High Commissioner had a special Secretary for the Unfederated States as a liaison between himself and the Advisors in the states.

2. *Malaya's Relations with the Empire*.

648 177 Malaya's role in the Empire, as in the world at large, rested ultimately on the United Kingdom. While individual British members of the Malayan Government had Empire-wide contacts, Malaya, as a unit in the British Empire, was unrepresented in the formation of Empire policies or in the government of the United Kingdom. Relations between Malaya and the United Kingdom were remote and rested technically on the authority of the Colonial Office, and actually on the presence of varying numbers of Britishers and the personal contacts resulting from their presence. Through them British-inspired legislation, British-dominated economic policies, etc. prevailed in Malaya. From time to time, as it became necessary to formulate uniform programs of, for example, medical services, sanitation or education for all crown colonies in the Empire, conferences were held at which the Straits Settlements were represented by one of their British officials.

3. Defense.

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Malaya was a strategic British base in the Far East. The huge expenditures which went into construction of the Singapore naval base were made through the United Kingdom. Malaya itself bore virtually no responsibility for its own defense. Financial contributions of the States to imperial defense were voluntary and voluntary gifts far exceeded the small fixed annual grant from the Straits Settlements for this purpose. On a local basis, small volunteer Malay and Malayan regiments were maintained but their training was more along police lines than as a genuine combat group.

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4. Foreign Relations.

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The component parts of Malaya did not conduct any foreign relations. Political relations with other countries were handled entirely through the British Foreign Office. Economic and commercial policies were likewise laid down by the appropriate British ministries and only minor lattitude in their implementation was given to the governments of Malaya in their relations to foreign consulates located in Malaya.

Malaya has been an important factor in Britain's foreign relations in the Far East. It contained Britain's principal Far Eastern naval base and was, therefore, a key point in Empire defense. Because of its large Chinese population, it affected Britain's relations with China. The close racial, cultural and linguistic ties between the Malays of Malaya, of the Indies and of southern Siam and their frequent contacts influenced Britain's relations with Holland and with Siam. Britain's relations with Holland were further affected by the similarity of the problems of the rubber and tin industries in Malaya and the Indies, and the transshipment and processing of rubber, tin and oil in the Straits Settlements.

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c. Structure of Government in Malaya

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The general framework of Malaya's Government has been sketched. In no sense could the government of Malaya, either that of the British or of the Malay Sultans, be considered a democratic one. The Governor had almost absolute authority in the Straits Settlements and the advice of the Residents and Advisers in the States had to be accepted on all matters except religion. Unofficial members of councils were appointed by the Governor in the Straits Settlements,(1) by the High Commissioner for the Federal Council and by the Sultans in the States. Official members of the Federal and Colony councils had to agree with the Governor. In the state councils few Malays would presume to disagree with their hereditary Sultans. Although legislative bodies existed, actual authority in government lay with the executive in view of the authority of the Governor-High Commissioner and the Resident-Advisers. Nevertheless, in practice, the principal British officials followed a policy of persuasion, sounding out public opinion through the press and private conversations, before forcing through important regulations.

1. Executive Authority.

Both in the British structure and in the Malay structure, government was from the top down, and did not afford expression of the people's will through

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(1) With the exception of two British members who were chosen by the Singapore and Penang Chambers of Commerce.

642 [622] their own chosen representatives. At the village level government was through a village headman appointed by his Malay chief with the approval of the District Officer (generally a Britisher). The headman, called a Pengkulu, had authority for maintaining order, presiding over local courts and carrying out government regulations for his region. His relationship to his people was a paternal one.

631 634 642 The Pengkulus were under the control of District Officers who in most States (except certain parts of Kedah, Kelantan and Trengganu) were British. The District Officer had complete authority to pass along to the Pengkulu instructions for carrying out programs directed by the State councils, the Resident (or Adviser) or the Governor (High Commissioner). It was in the relationship between the District Officer and the Pengkulu that the British civil servant came into closest contact with the Malay. In many Districts, particularly in the early days, the District Officer was the only British official. He had to spend a great deal of time travelling from village to village consulting with the Pengkulu and other local personalities. He had to perform all the executive and judicial functions for his District, and, in addition, in many instances, he was a teacher in explaining the purpose of health, education, tax and other regulations. More recently, and particularly in the more densely populated areas, the District Officer has been assisted by members of the various government departments (Education, Health, Labor, etc.) whose activities he has directed.

631 642 In the Straits Settlements there was one government structure but in the Malay States, there were actually two structures, a Malay and a British one. In the Unfederated States, the principal British official, the Adviser, directed the affairs of the State through advice to the Sultan and his ministers. For the sake of peace and to discourage sabotage against government the Adviser, in most cases, despite his power, tried to gain his ends by offering advice instead of issuing commands. A head-on disagreement was usually avoided and difficult issues dropped until more favorable circumstances provided probability of agreement. Likewise, the Advisers' assistants in the various departments of government sought to run the departments through advising rather than ordering. And even the District Officers called themselves Assistant Advisers and used an indirect means of governing. This system of dual structure with British advisers in key positions was not always as efficient as the system in the Federated States and the Straits Settlements where British officials actually exercised executive direction of their offices, but it served as a training ground for Malays in the practice of administration. Shortly before the war it was conceded that a group of trained Malay officials was being developed in several of the Unfederated States who were competent to run their government.

There was far less opportunity for such a development in the Federated States. A federal structure superimposed on the states meant that the exercise of all the important functions of government and many of the technical services were conducted at the federal level in which Asiatics participated only as clerks in the lowest ranks of government. In the States, the Residents actually directed the affairs of state, with the approval of the Sultans-in-council, and administered British officers heading departments and British District Officers. On the whole, Malays received little practice in responsible administration in the Federated States.

Similarly the Straits Settlements government was a hierarchy of British officials except for Asiatics in the clerical positions.

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2. Legislative power.

In practice, legislation in both the States and the Colony was formulated, introduced and made law by British officials. A Legal Adviser in the Federated States set the pattern for legislation in most cases, in line with that in the Colony. Laws drafted for the Unfederated States were generally modeled on Federated States statutes and modified only sufficiently to be adaptable to local conditions. By 1940, legislation in all of Malaya was virtually uniform.

642 646 Nevertheless, the procedure for enacting legislation differed slightly in the several parts of Malaya. In the Straits Settlements prospective laws were introduced into the Legislative Council by the Governor for discussion and approval. The Council did not have actual authority to legislate. Since the Council had a majority of official members who were required to vote with the Governor, the laws were certain to be approved. Discussions in Council did give an opportunity for securing various opinions on the legislation and, in fact, the unofficial members usually played the role of Opposition. Important legislation was also argued widely in the press before being passed. For ease in enforcing legislation, the Governor generally felt it expedient to sample public opinion through the press and Council before insisting on new legislation.

Legislative procedure in the Federated States was actually similar but technically different. The Federal Council passed legislation. Since only the High Commissioner could introduce bills, and since the Council had an official majority which had to vote for the legislation, bills presented were always passed, albeit with long drawn out discussion. Bills did not, however, become law until they were signed by the four Sultans. This was a mere formality in view of the Sultans' treaty agreement to accept British advice. 635

From time to time, in an effort to decentralize government authority from the federal to state governments, suggestions were made that legislation on certain subjects should be left to the States with only a few topics retained by the Federal Council. Despite all the discussion and the agreement on decentralization in principle for a number of years, by the outbreak of the Pacific War the Federal Council still retained control of legislation on all important topics (with the exception of religion) while State Councils had authority for passing legislation for spending a part of their finances and for certain educational and public health programs.

The Federal Council was a predominantly British body chaired by the High Commissioner.(2) The State Councils in the Federated States were divided about half and half and were under the chairmanship of the Sultan. The British Resident and British heads of important departments were ex-officio members and their votes equalled those of the Malays. Since the Sultan had to vote as the Resident advised, there was an official majority. In addition, the other Malay members of the councils hesitated to vote in opposition to their Sultans. Hence, unanimity in passing legislation was frequent.

In the Unfederated States, the State Councils legislated on all aspects of government, and legislation was introduced by the Sultans. Because so many of the key positions in government were occupied by Malays, the State Councils were predominantly Malay bodies. In theory the British Adviser who sat on the

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(2) In 1940, of the 28 members, only four were Malays, two Chinese and one Indian.

642 646 Council might be voted down or forced to use a veto. In practice, use of a veto was avoided. If it appeared that legislation which had been drafted in consultation with a British Legal Adviser (in conformity with legislation passed, pending or anticipated for the Federated States or the Colony) would be voted down in the State Council, the British Adviser often suggested that a vote on it be postponed until a subsequent meeting. In the time intervening, he and his British assistants tried to persuade the Malays of the usefulness of the law so that at the following meeting it would be passed.

633 The important cities had local governments run by Municipal Commissions, whose members were appointed from among British officials and important British and Asiatic leaders in the community. The Commissions had authority to pass ordinances on purely local matters such as upkeep of roads, disposal of garbage, standards of housing and sanitation, and to set fees and license rates which would bring in revenue for city governments.

3. Financial Authority.

652 651 !642 Malaya, as a section of the British Empire, was generally self-supporting. The United Kingdom did not make grants for government or welfare in Malaya. Salaries and pensions of British civil servants employed in Malaya were paid from Malayan revenues. The only important expenditures by the United Kingdom in Malaya were for the Singapore Naval Base and this was considered an Empire, rather than a peculiarly Malayan, investment.

There was no attempt made in Malaya's finances to spread taxation over a large proportion of the population. This would have been impractical and unrewarding in view of the poverty of many natives, the problem of collection in distant jungle areas, and the lack of popular comprehension of a modern tax system.

Revenue in the Straits Settlements was derived largely from a Government Opium Monopoly(3) and from import taxes on liquor, tobacco and petroleum. Other sources were receipts from the Post and Telegraph Departments and various licenses and fees.

[439 458] The Federated States were considerably wealthier than the Colony or the other states. Export duties on rubber and tin, land rents and sales, and import duties (particularly on tobacco, liquors, petroleum and textiles) provided the bulk of revenues, the remainder coming from miscellaneous fees and rents. The export duty on tin, alone, brought in a fourth of the revenue in 1937.(4) The amount of revenue taken in by the government varied greatly from year to year and fluctuated in relation to prosperity or depression in the rubber and tin industries. Rubber and tin exports were regulated by international bodies on the basis of world demand, principally American demand, for these two products. Since government rents were largely from rubber and tin properties, their receipt also depended upon conditions in these industries. Finally, the bulk of purchasing power for imports came from staffs of rubber or tin enterprises. Hence, revenues from import duties also fluctuated with conditions of prosperity in two industries.

Except for Johore, the Unfederated States were poor states and several of

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(3) This became proportionately less important in the years before the war as the government tried to suppress opium smoking.
(4) In 1900, it had brought in 46%.

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them had to depend upon loans from the Federated States or the Colony to make up ~~439~~ their deficits. Johore, like the Federated States, got a substantial part of its revenue from rubber (export duties and land rents), from export duties on copra, tin and iron, from import duties, opium and miscellaneous licenses and fees. 651 The other States were not important areas for rubber and tin production and their populations were less interested in and could less afford imported goods. Nevertheless, the bulk of revenue came from customs duties followed by opium monopolies.

4. Judicial System.

671 692 693 The administration of law and justice in Malaya was complicated by the presence of several races with different concepts of law. In order to avoid racial conflicts and offense to traditional concepts, the enforcement of law in Malaya was handled with caution. In the Malay village, the local Pengkulu presided over an informal court dealing in Moslem law in most cases. The District Officer included the role of magistrate among his many functions. In areas of exclusive Chinese residence, the Protector of Chinese or a member of his staff tried to settle disputes between Chinese. Among Indians, the Department of Labor performed similar functions.

In the Straits Settlements, the British judges of the Supreme Court, appointed by the King, handled all serious criminal and civil cases. Less serious cases came before District courts and minor offenses before Police courts.

The system in the States was similar. In the Federated States, a supreme court with a chief justice and three judges, all appointed by the High Commissioner, magistrates courts which encompassed a District, and Pengkulu courts made up the framework. Judges of the Federated States were ex-officio judges in the Straits Settlements and judges and certain of the magistrates were recruited from the Colonial Service. In general, Britishers held judicial positions in the Supreme Courts and District courts. In the dominantly Malay States of Kedah, Kelantan and Trengganu, Malays occupied the principal judicial positions but in the other States and the Colony, British judges sat in the higher courts.

695 The tradition of English trial justice prevailed and in most instances every effort was made to handle cases fairly with the forms of British custom. This was not at all times comprehensible to the Asiatics appearing before the courts. Over the long period of British rule there was little complaint of one-sided, e.g. pro-British, justice. In cases between an Asiatic and a Britisher, the Asiatic had British legal advice and the adviser generally fought his case sincerely.

697 Likewise in the handing down and execution of sentences in modern times, there were few charges of torture or excessive cruelty, or the use of prison sentences to suppress political opposition.

5. The Civil Service.

647 642 The principal positions in the governments of Malaya were filled from the Malayan Civil Service, originally an entirely British service, which young career civil servants joined and through which they rose in rank to the highest positions. Theoretically, members of the Malayan Civil Service could be transferred from one British dependency to another but, in general, only the Governor-High Commissioner had seen service outside Malaya. His principal assistants, including the Residents, Advisers, and the Federal Secretary, on the other hand, had been career men in the Malayan service. Members of the Malayan Civil Service were eligible

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642 for appointment in any part of Malaya. This was one means by which uniformity of government was maintained in the separate sections. Certain positions in the Colony, the Federated States and the Unfederated States, though differing slightly in title, were held by one individual, e.g. the Legal Advisor.

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635 Chinese, Indians, Eurasians and other non-Malay Asiatics were not eligible for appointment to the Malayan Civil Service. Since members were appointed to the States, it was felt that the Malay States would resent subordination of any part of their state government to a foreign Asiatic. In the Straits Settlements, therefore, a Straits Civil Service was in existence to which Asiatics of all races and Eurasians were eligible and from which clerical and minor positions in the Colony were filled.(5)

In the States, a system of Malay preference was in practice. There was an exclusively Malay Administration Service in the Federated States from which candidates for the less important positions were chosen. Each of the Federated States had a special clerical service open to all races but with preference for Malays, from which clerical positions were filled. An increasing number of Malays were promoted from the Malay Administration Service to the regular Malayan Service. By 1939 there were twenty Malays in the Malayan Civil Service.
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641 In most cases, Malays native to a State served within that State. There was almost no transfer of Malay civil servants between States. The traditional loyalty of the Malay to his own Sultan was considered to make such transfers impracticable. In several of the Unfederated States Malays from the Malayan Civil Service were gradually replacing British officials.

Since there was no semblance of democratic government in Malaya, with election by the people of their own representatives, and since there were few bodies on which Asiatics sat and on those generally a small proportion of aristocratic Malays, it was in the ranks of the civil services that the greatest number of Malays in the States, and Chinese and Indians in the Colony participated in government and received training in public administration methods.

d. Rights of Inhabitants.

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642 Except in the political sphere, there was wide freedom of action for the individual resident of Malaya whether he was native born or immigrant. Freedom of religion was complete and freedom of speech, press and assembly was interfered with on few occasions and only when an act was considered treasonable to the government. Because of the variety of races in Malaya and the separate political entities, rights of individuals varied from section to section.

British citizens, of pure white extraction, could live, travel and work in any part of the peninsula. All persons born in the Straits Settlements of whatever race were considered British subjects and could move into the States only with the permission of the Sultans. Persons born in the States were subjects of the Sultans and while in the States had no special claim on British protection. However, both British subjects from the Colony and subjects of the Sultans when going abroad, travelled on similar passports indicating they were British-protected persons. There was no general Malayan citizenship nor any system of naturalization for new immigrants. First-generation immigrants, of which there

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(5) Candidates must be British subjects domiciled in the Colony or sons of British subjects by birth or naturalization, and must have a diploma from Raffles College or a British university.

642 641 563 were thousands each year from India and China, retained their foreign status. If their children were born in Malaya, they were regarded as subjects of Malaya but at the same time by China and India as citizens of those countries. Thus there developed a large group of permanent Chinese and Indian residents of Malaya who possessed dual citizenship.

[556] [421] In the Straits Settlements there was no official racial discrimination on ownership of land or place of residence although socially it was understood that certain areas and certain buildings were reserved for white use only, and other districts became predominantly Chinese or Indian. In the Federated States large tracts of land, totalling 4,358 square miles and known as Malay Reservations, were set aside for Malay use. Chinese and other Asiatics were not able to buy land in those areas. The Government attempted to limit the growing of rice to these areas and thus to keep it in Malay hands. Otherwise, throughout Malaya, the granting of land for sale or rent from the Crown in the Colony and the Sultans in the states, whether to be used for mining or agricultural purposes, was not restricted on a racial basis.

563 578 [463] Malaya had a race problem but not a minority problem in the usual sense. Its racial problem stemmed from the fact that the population was made up of four races -- British, Malays, Chinese and Indians -- so nearly equal in power terms that a severe tug of war for control of the country could develop. In the past dominant control lay with the British. Proportionately only a very small part of the population, they nevertheless held the key government positions, the wealth and the military power. The Chinese were numerically the largest group and in some parts of the country far outnumbered other races.(6) Next to the Europeans, Chinese were the most successful businessmen and controlled the most wealth. They were bankers, merchants, tin mine owners, rubber estate owners, pineapple factory managers, and they were the middlemen of the country, the collectors of Malay produce, the lenders of credit, and the laboring force for industry and mining. Thus, in many instances, they held economic control over the commercially less acquisitive Malays. The Malays, adhering to their Islamic customs and loyal to their Sultans and their Chiefs, did not participate prominently in Malaya's economic life. Outside the Straits Settlements and the busy mining districts, and especially in rural areas, Malays were in the majority. Indians, far smaller in number than the Chinese or the Malays, were not so conspicuously successful commercially as the Chinese although they played a significant role in Malaya's economy as shopkeepers, railway workers, rubber tappers. They had evidently developed no strong sense, before the war, of belonging to a political minority. Their political loyalties, insofar as they had any, were focussed on politics within India.

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(6) For example, 75 per cent of the population of Singapore and 79 per cent of Penang was Chinese. Large districts in the Kinta valley of Perak, heart of the tin mining area, were dominantly Chinese.

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Estimated Population of Malaya, June 1941

Group	Total Number	Total Per Cent	Malayan Union Number	Malayan Union Per Cent	Singapore Number	Singapore Per Cent
Malays	2,277,352	41.9	2,200,121	46.6	77,231	10.2
Chinese	2,377,989	43.7	1,778,330	38.0	599,659	78.1
Indians	742,202	13.4	632,364	14.4	59,838	7.0
Europeans	31,366	.6	16,781	-	14,585	2.1
Eurasians	19,330	.2	11,009	-	8,321	1.2
Others	58,491	1.0	48,909	1.0	9,532	1.4
Total	5,506,730	100.0	4,737,514	100.0	769,216	100.0

642 e. Economic Policies.

421 656 427 471 [651] The several governments of Malaya through their British officials retained control over land ownership and utilization. Although details of the system varied from one section of the country to another, in essence there was a uniform system for controlling land. In the Settlements, land was generally leased from the Crown for a period not exceeding 99 years although some agricultural lands outside the cities have been granted in perpetuity and the earliest Singapore leases run for 999 years. In the States, all land not held under title belonged to the Sultan of the State. Actually its disposition and its collection of revenue was managed by the Resident (Adviser). Land was granted in perpetuity to private citizens but the Resident had power to set the annual rent and to insist on the nature of cultivation. Land, half of which was not properly cared for for three years, defaulted to the State. Possession of land did not carry the right to mine. Special prospecting and mining licenses had to be obtained from the State.

[473] This system of land tenure was used by the Governments of Malaya to set aside certain areas for Malay Reservations,(7) to restrict cultivation of rice to Malays only,(8) to delimit areas of rubber cultivation and to control mining in relation to agriculture. Aside from its deliberate pro-Malay policy in maintaining the Malay monopoly of rice production and in assuring Malays of exclusive rights in certain areas, land grants and mining licenses were open to all who could afford to pay the fees regardless of citizenship. However, foreign companies had to be incorporated in the Colony or the States or to comply with the provisions of the British and Foreign Companies Enactment of 1912, which meant incorporation in the Empire if not in Malaya. The lack of discrimination against foreign companies in granting of land and mining leases is indicated by the fact that Japanese firms owned and operated all five of Malaya's iron mines and the largest bauxite mine before the war. Three affiliated American tin mining companies operated near Kuala Lumpur with some of the most modern machinery in the country and the Malayan subsidiary of United States Rubber had one of the larger plantations in Malaya.

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(7) Control over mortgaging of land has been weak and actually a considerable part of lands in the Malay Reservations came under the control of Chinese and Indian moneylenders.

(8) Until the war emergency in 1939.

439 433 Economic policies for Malaya did and did not completely tie the development of Malaya's economy to the United Kingdom. The free trade practices of the Straits Settlements meant that ships from all over the world visited Malaya's ports (although 33% were British) and her stores were stocked with goods from many lands. On the other hand, by indirect means it was arranged that the bulk of Malaya's important imports — machinery, iron and steel products, automobiles and bicycles — were purchased primarily in the United Kingdom. It was very difficult for American or other foreign businessmen to sell machinery in the Malayan market. Their efforts were discouraged by the loyalty of local British merchants to their mother country. In addition, the governments of Malaya tended to buy British goods for development of railroad, power and public utilities and other facilities.

[457] Through the relationships of the British world business community a large proportion of Malaya's dollar exchange was transferred to the United Kingdom's account in exchange for sterling credits. This offset, in terms of Malaya's imports from the United States, the advantage the United States had from being Malaya's leading export market — taking 49% of the total value of exports in 1925 and over 30% in all other years while the United Kingdom took 10-15%.(9) By contrast, the United Kingdom supplied 15-18% of imports, the Empire another 18% (principally India and Burma — rice, gunny bags and sarongs) while the United States supplied only 1-3%. While imports from the Indies equalled the combined imports of the United Kingdom and the Empire, those from the Indies represented tropical produce for processing and/or re-export. The dominant supplier of imports for use in Malaya was the United Kingdom. If manufactured goods only are considered, the United Kingdom supplied 25-29% of the total. [178] Nevertheless, the percentage of imports from Britain had been declining steadily before the war partly because the British product tended to be of high quality and hence high priced, and partly because British firms did not study the desires of their customers. Manufactures from other European countries were assuming greater importance.

439 651 642 Until 1932, tariff policies did not particularly favor British firms. The Straits Settlements, with the exception of low revenue duties on liquor, tobacco and petroleum, followed its traditional policy of free trade, and low *ad valorem* tariffs in the Malay States applied equally to imports from all sources. The Malayan market was therefore highly competitive. Beginning early in 1932, the Malay States adopted Imperial preference. The Straits Settlements did not alter its free trade status except to impose a higher registration fee on non-British motor cars and to give preference in its duties on liquor and tobacco. The former arrangement merely made certain, once again, that British cars should predominate in Malaya.(10)

In the States *ad valorem* duties on such items as alcoholic beverages, tobacco, petroleum, textiles, wearing apparel, rubber shoes, cement, cycles and motor cars varied from 10-15% while duties for Empire products were about half. Machinery was generally free of duty.

006 Of the local Malayan industries which produced for export, only the canned

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(9) In 1938, 40% of the value of Malaya's rubber and 55% of its tin exports went to the United States.

(10) The Ford Motor Company of Canada had the one automobile assembly plant in Malaya. Hence, American type cars, only technically British, were common in Malaya.

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[255] P. 64

642 439 Of the local Malayan 64. industries which produced for export only the canned pineapple exports benefitted substantially from Empire preference since they could enter United Kingdom markets more cheaply than their biggest competitor, Hawaiian pineapples. The major Dominions (India, South Africa and Australia) refused to grant Imperial preference to colonial manufactures due to their low production costs.

439 651 477 Between 1930 and 1934, imports of Japanese goods had increased sharply in proportion to imports from other countries, despite Imperial preference and at a time when total imports were falling. British businessmen, particularly Lancashire textile interests, alarmed at the loss of their share in Malaya's trade, pressed for some control of trade. In mid-1934, at the request of London, a system of quotas for imports of cotton and rayon piece-goods was imposed, based on each country's imports to Malaya during the five years 1927-31. Although the quotas made possible a revival of British textile imports to Malaya (from 17% of the total cotton piecegoods imports in 1933 to 37.5% in 1937), Japanese-made textiles exceeded them -- at a controlled level -- until 1937-8 when the Chinese boycott and Japan's concentration on war industries reduced imports of Japanese goods.(11) In 1935, when Japanese electric light bulbs were swamping the Singapore market, the Straits Settlements passed an ordinance (directly aimed at Japanese imports) prohibiting imports which did not comply with standard British specifications.

These regulations had been aimed directly at Japan. The prohibitive export tax on tin ore from the Straits Settlements (35% ad valorem applied against ores shipped to any destination except Britain and Australia) was intended to forestall the development of a tin smelting industry in the United States and to maintain the monopoly in smelting of Malayan ores in the hands of two powerful British firms, the Straits Trading Company and the Eastern Smelting Company.

436 652 453 The Malayan currency, the Straits dollar, was tied to the pound sterling at 2s. 4d. in 1906 and has been maintained at this rate since then. In terms of US currency it was generally in the neighborhood of 50 cents. Banking in Malaya was dominated by a handful of large British banks including the Chartered Bank of India, Australia and China, the Hongkong and Shanghai Banking Corporation, and the Mercantile Bank of India. Foreign banks, such as the National City Bank of New York and the Yokohama Specie Bank, as well as dozens of small Asiatic banks, also operated.

439 473 Despite the liberal policy of the Malayan Governments in granting mining rights and land to non-British firms, Malaya's major industries upon which her prewar economy depended were undeniably dominated from London. It has already been pointed out that the largest British mining and plantation companies had their head offices in London and their shares were bought and sold on the London Stock Exchange. The bulk of rubber sales were handled in the London Rubber Market and of tin sales by the two smelting companies. London interests for both rubber and tin developed London organizations: the Malayan Chamber of Mines for tin and the Malayan Rubber Growers Association for rubber. These became powerful organizations which largely determined policy and programming for the rubber and tin industries, and which advised the British Government (and the Malayan Governments). Members of these London organizations were also able to dominate the international organizations(12) which, in the thirties, regulated production and

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(11) Actually India benefitted as much as the United Kingdom from the quotas on textiles. Its share rose from 1% in 1934 to 18% in 1938.

(12) The International Rubber Regulation Committee and the International Tin Committee.

439 prices of rubber and tin in an effort to maintain stable markets.

473 British influence in other segments of Malaya's economy was the natural result of the establishment of British firms in various lines of business and their inclination to deal with each other, a habit which once the country became advanced in its development, appeared to exclude firms of other nationalities. A few large British Straits merchants wielded considerable power in the import-export business and developed their own distribution networks throughout the peninsula [563] which were encouraged to "Buy British." Most of the individuals employed in the British networks were Chinese. Many Chinese merchants were also successful in competing in the import-export trade.

f. Social Policies.

744 1. Public Health and Sanitation.

The Governments of Malaya have long been proud of their record in the field of public health and sanitation. For whatever reason (whether to improve native welfare or to provide safe and sanitary living and working conditions for British businessmen), it is undeniable that great progress was made in improving health and sanitation in Malaya between 1900 and 1942. In a country where malaria was rampant, drainage systems were provided and prophylactic quinine tablets distributed so successfully that the fear of malaria was eradicated except [364] in the less developed jungle regions. Sewage disposal in the major cities was so regulated that cholera and typhus cases were rare and infrequent outbreaks were quickly brought under control. Dysentry was an uncommon ailment.

743 Each State and the cities of Penang, Singapore and Malacca had large government general hospitals to which patients from surrounding areas were brought by ambulance. Dispensaries serviced rural districts. Agricultural estates and large mining enterprises were encouraged to maintain their own doctor, clinic and hospital services. The larger European enterprises were fairly good in doing so. Smaller concerns, and Asiatic-owned outfits, were more lax in their medical [744] services. In 1937 there were 232 estate hospitals, 83 of them group hospitals serving several estates. District and State Health Officers made periodic inspection visits to estates and mines to observe health conditions but their work loads were so heavy that the visits were less productive than might have been hoped.

874 Malaya had one medical school, the King Edward VII College of Medicine, founded at Singapore in 1905 to train local doctors. Standards of instruction were high and degrees were recognized by the British General Medical Council which meant that graduates could practice anywhere in the British Empire. In 1939, the College had 158 students and was giving training in dentistry and pharmacy as well as general medicine and surgery. The Institute of Medical Re- [742] search, founded in 1900 at Kuala Lumpur, concentrated on tropical medicine for which it had a worldwide reputation.

744 652 642 The Governments of Malaya bore the costs of the public health programs. The program was administered through a central medical and health department for the Colony and the Federated States. Services in the Unfederated States were less extensive, because the States were poorer, but were modeled on the Federated system and since officers were interchangeable a fairly uniform system was maintained.

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2. Education.

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Educational systems in Malaya, like the medical and health services, were centralized through a single Department of Education functioning for both the Colony and the Federated States and providing a pattern and personnel for the departments of the Unfederated States. But unlike the medical service, education in Malaya was less amply provided with funds by the government. The Education Department had to struggle along paying inadequate salaries and unable to develop higher education facilities.

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The Malayan Governments had a twofold primary school system: education in English which was available to children of all races who could pay the small fees; and free compulsory vernacular education in Malay for Malay students only and for all Malay boys between the ages of seven and fourteen.(13) Exceptional Malay students who passed the final examination at the vernacular schools could transfer to the English schools and receive a free education, a privilege reserved to Malays. Government education at the elementary level was supplemented by private Chinese schools in which the Chinese language dominated, mission schools and a few Tamil estate schools, to all of which the governments made small grants-in-aid. Chinese schools were staffed largely by teachers from China and served as a means of teaching the children about China and spreading pro-Chinese and sometimes anti-British propaganda.

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Education was neither required nor encouraged above the elementary grades. A high school education in English was provided by the government for those who passed the lower grades and could afford it. It was sought by ambitious Chinese businessmen and Malay aristocrats who desired their sons to secure positions as clerks. Final high school examinations were similar to the Cambridge examination in Great Britain for students of the same level. There was no university in Malaya, though one had been publicly clamored for for years. The few schools of college level included the medical school, Raffles College (founded at Singapore in 1928) and Kuala Kangsar Malay College. The medical school had very high standards of instruction but Raffles College gave higher arts and science courses which were barely above high school level. A diploma from Raffles College was inacceptable for graduate work in English universities, although Raffles trained teachers for the Malayan schools.

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The educational system of Malaya and that of the United Kingdom were in no way coordinated. Four students a year had an opportunity to win scholarships (awarded by the governments of the Colony and the Federated States) which would take them to an English university — one was reserved for a Malay, the others were generally won by Chinese. A few private scholarships were available and it was customary for the Malay Sultans and a few wealthy Chinese to finance an English university education for their sons. Children of English residents in Malaya were sent back to English schools to complete their education. Within Malaya, except in private schools attended by children of Malay aristocrats or prominent Chinese merchants, English children did not mix with Asiatics. The school system was not, therefore, a means of drawing English and Asiatics together. The influence of the few Malays and Chinese who did attend private schools, however, and who later studied in England was in later years very great.

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Technical education (for example, in mechanical or handicraft skills) like

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(13) Late in 1946, it was announced that the government would provide free elementary education for children of all races.

874 university education was underdeveloped in Malaya, largely because there was little demand for it. The Sultan Idris College in Perak had been opened in 1922 to train Malay vernacular teachers. Emphasis was also placed on handicrafts and agriculture. The Technical School at Kuala Lumpur trained subordinate staff for work on transport, public works and communications. The departments of Agriculture and Forestry also had schools to train their staffs. The Federated States established a trade school at Kuala Lumpur in 1926 to teach fitters and motor mechanics with Malay as the medium of instruction. By 1937, trade schools had been established in half a dozen other centers including Singapore and Penang. Graduates were snapped up by governments and European firms but Chinese companies preferred immigrant artisans.

g. Nationalist Aspirations.

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Nationalist sentiment was not a force in prewar Malaya. The Chinese population as a whole was more interested in business than in politics and what political sentiments they had were, except on the part of a handful of Chinese Communists, directed towards China. The Indians, likewise, had developed little political interest in Malaya. At least half of the Chinese and Indians in Malaya were transients who tended to keep close ties with their mother countries.

The Malays, who felt strong loyalties to their Moslem Sultans and aristocratic leaders had not developed, on the whole, a strong Pan-Malay sentiment. It was rare indeed, for example, for all nine Malay Sultans to consult together on any common problem, and their subjects, by and large, had even less sense of kinship with Malays in other parts of the peninsula. This division of political feeling was fostered by the system of government in Malaya which maintained nine presumably independent Malay states whose principal connections lay in the persons of British members of the Malayan Civil Service.

Despite the apparent lack of national feeling in Malaya prior to the war, there were, in the years just before Pearl Harbor, a few stirrings of the calm surface of political Malaya which suggested to the alert observer that the prewar political calm would not go on forever.

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Singapore had been, since 1926, the center of the Communist party for the Southeast Asian area. The Malayan Communist Party, directed from China and predominantly Chinese in membership though including a number of Indian workers and Malay seamen, was an illegal organization which had to operate underground but nevertheless managed to maintain continuous contact with Communist cells in Indonesia, Indochina and other nearby areas. Its program for Malaya was ultimate independence but the preliminary step towards this goal was to be the organization of laborers into unions and use of the strike weapon to gain political as well as economic objectives. During the 1930's and particularly after 1937, there had been active organization of unions and a number of strikes in major industries which the local Malayan press generally ascribed to communist agitation.

[575] Although there were, with the exception of the underground Malayan Communist Party, no purely political parties in Malaya before the war, there were a great number of social organizations which could have been diverted to political purposes. The Chinese were particularly active in such organizations which had been an outgrowth of their earlier secret societies.

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The Malays also were developing a national consciousness. A small Malay middle class was beginning to resent the authority of the Malay aristocracy and to desire more participation of Malays in responsible government positions. Educated Malay

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578 youths were finding competition with Chinese in earning a living very difficult and were beginning to think about keeping or restoring "Malaya to the Malays".
642 The more radical wanted real government by Malays, and Malay as the official language.

668 According to a postwar Malay nationalist publication, "the need of unity of the Peninsula Malays as a whole was first sown in 1934 when the 'Persandaraan Sahabat Pena' (Pen Friends Brotherhood) was established in almost every Malay State to raise standards of Malay language and to improvise and increase Malay literature and indirectly to protest against the proposal . . . to do away with the Malay language. Later Malay Associations and Unions with much broader aims and objects were formed in the various states and settlements and meetings of the delegates of the various groups were held twice in Kuala Lumpur. A third conference was held in Singapore in 1940. The need for a Pan-Malayan Association was not felt then but it became urgent and necessary during the Japanese occupation."

II. POSTWAR RELATIONS BETWEEN BRITAIN AND MALAYA

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668 Postwar Malaya is strikingly different from prewar Malaya. Japanese occupation left the country dilapidated and economically stagnant, but politically more mature. British efforts since October 1945 to create a uniform, centralized administration have encountered opposition and stimulated political organization on a wide scale. Developments in neighboring Indochina and Indonesia have fanned nationalistic impulses in Malaya. Malays have organized themselves into political groups on a Pan-Malay basis for the first time in their history. Chinese political organizations have been active in looking out for Chinese interests. Remnants of wartime Chinese guerrilla groups, organized into social clubs, have been a potential political force. Organization of labor has been developing rapidly. A vigorous and enlarged press has been spreading new ideas.

a. Effects of Japanese Occupation.

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433 Three and a half years of Japanese occupation left the country with the major industries stagnant, transport and public utilities services run down, widespread shortages and accumulated demand for food, clothing, and essential goods, and almost inevitably with prices rapidly rising. A well-organized underground army, with a large civilian organization in the towns and villages to supply it, had harassed the Japanese, and upon their defeat took over control of many towns and regions of Malaya until the British troops arrived. There was widespread disillusionment over the British defeat in 1942, the cruelties of Japanese rule, and consciousness of native struggles for independence in neighboring Indochina and Indonesia.

The British reentered Malaya early in September 1945 with the military force they had intended to use to oust the Japanese had the Japanese surrender not already occurred. Contact was made with the underground army and civil government was transferred to British Military Administration (BMA) authority. The BMA declared Japanese currency and all Japanese regulations illegal, and reimposed 1941 legislation including price and wage controls. Specially prepared teams of British experts came in to examine conditions in the rubber and tin industries, to purchase stocks of rubber and tin, and to see that these commodities were shipped out according to international allocations. The BMA concentrated on restoring law and order, providing food through imports and through encouraging increased local production, and repairing transport and power services so that the

727 433 country's economy could function again. Initially, the guerrilla army assisted the BMA in various police functions and by rounding up Japanese prisoners. On December 1, 1945, after appropriate ceremonies with wide publicity, the guerrilla army was disbanded, its members paid a bonus and asked to hand in their arms.

b. Malayan Union.

642 175 [641] On October 10, 1945, the Colonial Secretary announced in the House of Commons Britain's postwar plan for the government of Malaya. Only the broad outlines of the plan (which had been in the process of formulation for several years and was actually the product of Churchill's Coalition Government rather than of the new Labor Government) were given: a Malayan Union was to be created comprising the nine Malay States, Penang, Province Wellesley and Malaya; Singapore was to remain a separate colony; and a Malayan Union citizenship was to be created which would give equal rights to all permanent residents of Malaya.

Since the nine Malay States were nominally independent states having treaties defining their relationship to Great Britain, implementation of the Malayan Union plan required the negotiation of new treaties with the Malay States which would transfer authority for direct jurisdiction in the States from the Sultans to the British Government. Shortly after the Parliamentary announcement, a British emissary arrived in Malaya with power to negotiate new treaties and with power to replace the existing Malay Sultans if he found they had collaborated with the Japanese or were otherwise unfit to rule. Sir Harold MacMichael, the British emissary, worked quickly and without publicity, visiting each of the Sultans at his capital.

On January 22, 1946, a second Parliamentary announcement reported that new treaties had been concluded with each of the Malay Sultans and that the British Government could proceed with Orders-in-Council which would bring the Malayan Union into being. A White Paper was issued giving details of the proposed administration of Malaya.

[635] In brief, the British proposed to govern Malaya legally as they had actually governed it prior to the war through Advisers and Residents. The administration of the whole peninsula was to be uniform. Singapore would still be a traditional crown colony headed by a governor with veto power over his advisory executive and legislative councils (which would however no longer contain official majorities). The rest of Malaya would have a government similar to the prewar federal government at Kuala Lumpur except that there would be two Councils, Executive and Legislative, in place of the one Federal Council in prewar Malaya. The Governor of Singapore and the Governor of the Union were to be separate individuals and their work was to be coordinated by a Governor General of Malaysia.

642 643 The Governors of the Union and Singapore were to have wide powers and authority, including appointment of all important members of the government. Each Governor was to be assisted by an Executive and Legislative Council composed of official and unofficial members, all appointed by himself, except for certain members of the Singapore Legislative Council.

Under obligation to consult their Executive Councils, the Governors would, if a disagreement occurred, have to report to the Secretary of State, giving the reasons for the action followed. The Governors would make the laws "with the advice and consent" of the Legislative Councils. "Reserve powers" to make laws in the interests of "public order, public faith, or good government" would be

642 643 vested in the Governor, particularly concerning foreign relations, Empire relations, defense, uniformity of legislation between the Union and Singapore, the creation of public offices, and the appointment of public officers -- even if the Council had shown no desire to pass such legislation. The Governor would have to report each case where his "reserve power" was used to the Secretary of State.

[646] The Malayan Union envisaged other official bodies: a Council of Sultans to pass on legislation concerning Moslem religious matters recommended by Malay Advisory Councils and to advise the Governor on other matters; Malay Advisory Councils appointed and chaired by the Sultan in each Malay State to advise the Sultan on matters of Moslem religion; and State and Settlement Councils in each of the States and in the former settlements of Penang and Malacca to legislate on questions for which they had been given legislative power by the Governor or the Legislative Council.

642 178 This plan differed from the prewar government of Malaya in that (1) the Legislative Councils would not be dominated by a majority of official members; (2) several members of the Singapore Legislative Council and the State Councils would be elected representatives, and (3) a Council of Sultans would be created thus permitting expanded influence of the Sultans on a pan-Malay basis. The plan called for no explicit change in the form or composition of local governments in the Union below the State level. In the absence of any statement and in view of the fact that the prewar form and prewar Malay and other officials had been reinstated after British reoccupation, it must be assumed that for the time being no changes are contemplated in local government. While preparation for self-government within the British Empire was to be the goal of the new form of Malaya's government, no date was set for its attainment and whether it would mean dominion status was not clarified.

e. Opposition to the Malayan Union and Development of Malay Nationalism.

668 642 563 The Malayan Union plan proved to be the catalyst for Malay nationalism. Between September and December 1945, Chinese political groups, many of them backed by the Malayan Communist Party, had been the most active organizations in the country and it appeared that Chinese would take the lead in the politics of postwar Malaya. With the October announcement of the Malayan Union, there had been little reaction from Malay circles (partly because Sir Harold MacMichael operated with so little publicity, partly because no details of the plan had been announced, and partly because of the general postwar chaos). A few Malay newspaper articles urged the Sultans to think carefully before signing away their peoples' rights. With the January announcement of the conclusion of new treaties, the Malays became suddenly very vocal in their opposition to the plan. It appeared that political groups had been organized in various parts of Malaya. The Perak Malay League was the first to be organized on a statewide basis in January and it was followed by the Movement of Peninsular Malays of Johore in February. Widespread and, in fact, apparently universal Malay opposition to the Malayan Union plan provided the stimulus to Malay political organization on a Pan-Malay basis. This was a startling development to all those who had thought the Malay was politically lethargic.

[186] Early in March, representatives of forty-one Malay organizations from all over the peninsula held a four day meeting at Kuala Lumpur. They decided to form a United Malays National Organization to oppose the Malayan Union plan. A resolution was adopted challenging the validity of the recent treaties signed by the Malay Sultans as being inconsistent with Malay tradition and custom and condemning both the plan for a Malayan Union and the projected Malayan Union citizenship on the ground that it would undermine the integrity and independence of the Malay race.

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Shortly thereafter, the Sultans, on their part, submitted to the British Government their own list of suggestions for amendments to the British plan. They requested greater authority for state governments, complete Malay control of Moslem religious affairs, and establishment of rigid qualifications for Malayan Union citizenship.

Meanwhile, debates in the British Parliament over the Orders-in-Council for the Union and Singapore found the Conservative Opposition sharply insisting that injustices were being done to the Malays.

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The British plan was modified late in March with (1) the Council of Sultans being permitted to discuss any topic without prior consent of the Governor; (2) the Governor required to withdraw whenever Moslem religious affairs were discussed; (3) one member of each state council being an appointee of the Sultan; and (4) qualifying standards for Malayan Union citizenship being applied equally to those born or fulfilling residence requirements in the Union and Singapore. The actual Orders-in-Council establishing citizenship, however, was postponed until further study of the problem was completed. For the first time in the history of Malaya, public opinion expressed by organized political groups of Malays themselves had produced a practical effect on British plans for governing Malaya.(14)

The Malays were not satisfied with these minor modifications, the question of the treaties not having been dealt with and citizenship for other Asiatics being still permitted. Nevertheless, the Orders-in-Council were passed, although only those parts of the order providing for the new geographical framework, the offices of the two Governors, and a transitional stage of government were to become effective immediately. For six months, or as long as was necessary, the Governor was to rule with the assistance of an Advisory Council which he would choose, while he consulted public opinion on the best means of implementing details of the order dealing with the Executive and Legislative Councils, the Council of Sultans, State and Settlement Councils and the Malay Advisory Councils. On April 1, 1946 military administration in Malaya ceased and civil administration passed to the governments of the Malayan Union and of Singapore. Sir Edward Gent was installed as Governor of the Union with headquarters at Kuala Lumpur; F. C. Gimson became Governor of the Colony of Singapore, and Malcolm MacDonald became the first Governor General of British Malaysia.

The influence of the United Malays National Organization continued to grow under the dynamic leadership of Dato Onn bin Jaafar and in cooperation with the Sultans. No Malay Sultan participated in the ceremony installing Sir Edward Gent as Governor of the Malayan Union and Malays went into mourning for a seven day period. No Malay joined the Union Governor's interim Advisory Council although six seats were held vacant for Malays.

The United Malays National Organization wanted to send a delegation to England in June to present its views on the Union to the British Government. The trip was forestalled by the opening of discussions between the Sultans, leaders of the United Malays National Organization and the Governor General and Union Governor. In July a Working Committee, made up of five British and seven Malays, was appointed to agree on modifications in the plan.

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(14) The amendment giving Malayan Union citizenship to residents of Singapore as well as the peninsula was a concession to Chinese in Singapore who did not wish to be deprived of the benefits of Malayan citizenship.

642 d. Federation of Malaya instead of Union.

The Malay-British Working Committee negotiated in secret from August to November 1946. The secrecy of the discussions, their prolongation and exclusiveness created uneasiness in Chinese circles and among left-wing Malays in the Malay Nationalist Party which had seceded from the United Malays National Organization in June and was thus not represented on the Working Committee.

The Malay-British Working Committee drafted detailed constitutional proposals for (1) the negotiation of new treaties with the Sultans on the prewar basis which would supersede the MacMichael treaties(15); (2) the establishment of a Federation instead of the union, with a High Commissioner in place of the Governor; and (3) more rigid qualifications for citizenship. The Constitutional Proposals envisaged the creation of constitutional monarchies in the states. They did not change the organs of government proposed for the Malayan Union (See b above) but gave greater authority to the Council of Sultans, the federal legislative council and State executive and legislative bodies, and increased the proportion of Malays on the federal legislative council. The Constitutional Proposals would in effect eliminate equality of citizenship and would not preclude dual citizenship.

[563] The Constitutional Proposals were approved without substantial alteration by the Sultans and the United Malays National Organization and were presented to the Colonial Office in December 1946. After approval in London, a Consultative Committee consisting of British, Chinese Indian and Eurasian members was set up in Kuala Lumpur to receive comments from non-Malay groups. The Committee held public meetings in Kuala Lumpur, Penang, Malacca and Ipoh from January to March 1947 and received dozens of written comments from individuals and organizations.

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642 Leading the opposition to the Constitutional Proposals was the Pan-Malayan Council of Joint Action. The Council was an amalgamation of existing political organizations, social clubs and labor unions — Chinese, Indian and Eurasian — which had been formed late in 1946 before the Constitutional Proposals had been made public but with the specific purpose of opposing them. The Council intended originally to be an inter-racial group coordinating all opposition to the Proposals but the Malay Nationalist Party dropped out after its first meeting and subsequently was instrumental in forming a Malay Council of Joint Action which pursued a parallel program. Although neither group was recognized officially by the Consultative Committee, their views, as expressed in the newspapers, were weighed by the Committee. They demanded a united Malaya, including Singapore, responsible self-government through a fully elected central legislature for the whole of Malaya, and equal citizenship rights for all permanent residents of Malaya.

The Consultative Committee drew up a report on the basis of its hearings and the comments received. The report recommended no basic change in the Constitutional Proposals; it suggested minor modifications, such as an increase in the membership of the Federal Legislative Council, and the relaxation of language requirements for citizens over 45 years of age. The Committee's report was discussed and approved, with small changes, by the Malayan Union Advisory Council, the former Malay-British Working Committee, the Sultans and the United Malays National Organization. In May 1947, the report was forwarded to London.

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(15) I.e., the new treaties would restore internal sovereignty to the Malay Sultans within the States but give the British authority to advise the Sultans on all questions except religion.

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642 On July 21, 1947, the British Government issued a new White Paper accepting the Federation substantially as delineated in the Constitutional Proposals. It would appear, therefore, that the form of government for Malaya has been finally determined and that there remains merely the technical procedure of passing a new Order-in-Council through Parliament and concluding new treaties with the Malay Sultans.

668 e. Political Parties in Postwar Malaya.

642 The long drawn out period of consultation on the structure of the government in Malaya presented an opportunity for the formation and development of political parties in Malaya as they had not existed prior to the war. By mid-1947, seven leading parties had emerged: the United Malays National Organization, the Malay Nationalist Party, the Malayan Democratic Union, the Malayan Indian Congress, the Malayan Communist Party, the Kuomintang Party and the China Democratic League.

The United Malays National Organization had been formed in March, 1946, through the federation of some forty political organizations which had been developed during the preceding months in the several states and the major cities. The UMNO was organized to oppose the Malayan Union Plan. It has become, in British eyes, the spokesman for the Malays, and has been represented in discussionswith the British concerning changes in the Malayan Union. The UMNO apparently supports the Sultans and is accused by more liberal groups of being an aristocratic right wing party. Its leader, Dato Onn bin Jafaar, currently Prime Minister of Johore, is undoubtedly one of the most intelligent and energetic Malays. He is an aristocrat from Johore and has been educated in Malaya and England and has travelled in the United States. He and his party desire eventual self-government for Malaya but do not advocate its separation from Britain.

The other Malay political party is the Malay Nationalist Party which was founded at Ipoh in October 1945. The party program has been gradually altered since its formation. Early in 1946 and until June 1946, the Malay Nationalist Party belonged to the United Malays National Organization. On June 30, 1946, it broke away and has since pursued an independent and oppostion policy. The Malay Nationalist Party is dominated by liberal Malays from the professional, student and labor groups who have a strong Indonesian orientation. Its leader, Dr. Burhanudin, is in his early thirties, has travelled in India and Indonesia but has not been widely known in Malaya. Its program aims at an independent Malaya, composed of both the Malayan Union and Singapore, which would cooperate with Indonesia. The Party is anti-British and anti-Sultan. It desires to raise Malay living standards and increase Malay participation in Malayan industry and agriculture. The Malay Nationalist Party was the prime force in the Malay Council of Joint Action which opposed the Constitutional Proposals (see above). It advocated that three-fourths of the legislative and state councils consist of elected members, half of whom should be Malays; that the executive council be responsible to the legislative council; that the Governor not be empowered to over-ride the legislature; that the state councils be presided over by the sultans concerned or their representatives; and that the Malay language be the official language of the country.(16)

Membership claims of both the UMNO and the Malay Nationalist Party are probably

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(16) From official statement of the Malay Nationalist Party referred to in "Political Thought in Malaya" by Max Seitelman, Far Eastern Survey, Vol. XVI, No. 11, June 1947, p. 129.

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exaggerated. It is probable that active members of each number only a few thousand although sympathisers who will appear at public meetings clearly reach into the tens of thousands. Leadership is limited to a dozen individuals in each party. Dato Onn and Dr. Burhanudin represent the greatest talent and the driving force in their respective parties. These parties are not, therefore, in any respect similar to political parties in the Western world.

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The Malayan Democratic Union was founded in Singapore in December 1945 as a venture in inter-racial cooperation. It remains the only important inter-racial party in Malaya. Nevertheless, Malay participation is slight. The leadership is Chinese, Eurasian and Ceylonese. At its inauguration, the Malayan Democratic Union was supported by the Malayan Communist Party, the Kuomintang and various of the trade unions. Its program was designed to achieve self-government for Malaya within the British Commonwealth, an elected legislative assembly for all Malaya, free education and medical services, social security and equality in employment.

The Malayan Democratic Union was slow in receiving popular support. It was overshadowed during the first nine months of 1946 by the UMNO and the Malay Nationalist Party. However, it followed a policy of publishing its detailed views on local questions such as the Malayan Union citizenship qualifications, educational needs, and the structure of municipal government at Singapore which won it respect as an intelligent, thoughtful, public-spirited body. Late in 1946 the Malayan Democratic Union took the lead in forming the Pan-Malayan Council of Joint Action to oppose the Constitutional Proposals.

The Malayan Indian Congress was formed in August 1946. Its aims were to provide a channel for the expression of Indian opinion in Malaya, to look after the interests of the Indian community, and to cooperate with other races in Malaya. Until mid-1947, the Malayan Indian Congress, a dominantly Hindu organization, had not taken a stand on any Malayan question except the Constitutional Proposals — which it opposed largely because they were pro-Malay and had been formulated without Indian participation — but it had expressed interest in Indian politics and had sent a large delegation to the Inter-Asian Relations Conference at New Delhi in March, 1947. Although a Moslem Indian organization also existed, its outlook focussed on India and the Malayan Indian Congress seemed, in mid-1947, likely to remain the outstanding Indian political organization in Malaya. Nevertheless, the Indian community, which had been lying low politically due to its wartime participation in the Indian Independence League, is now more than ever, oriented toward India. The near prospect of a free and sovereign India is more exhilarating to them than the benefits to be derived from a Malayan citizenship which does not carry with it the connotation of a nationality. If the Indians of Malaya follow Nehru's behest to choose definitely between India and Malaya as the object of their primary loyalty, there is little doubt but that they will select the former (17)

The Malayan Communist Party has been a legal organization in postwar Malaya. Still largely Chinese in its membership and leadership, it has been active in labor unions and strikes, in organizing public celebrations, in its press and in its many affiliated organizations. Its basic aim, i.e. the creation of an independent Malayan Republic, has not been altered but has been subordinated to a program of organizing labor and political groups. In the months immediately following British reoccupation of Malaya, the Malayan Communist Party was the leading political party in Malaya. As law and order were restored and economic conditions improved, other parties were formed and the influence of the Malayan Communist

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(17) Based on "Opposition in Malaya" by Virginia Thompson Adloff, Far Eastern Survey, Vol. XVI, No. 11, June, 1947, p. 131.

668 563 Party declined. The Malayan Communist Party may have had some influence in the leadership and program of the Malay Nationalist Party and the Malayan Democratic Union at their inauguration; however, changes in leadership of those parties and their growing support have dissipated early communist influence. By mid-1947, the Malayan Communist Party was smaller in its membership and less effective on the local political scene than the other parties described.

The Kuomintang Party and the China Democratic League have been Malayan Chinese counterparts of the Chinese parties of the same name. They have large memberships, are tightly organized and have had active programs in 1946 and 1947. However, their activities focus on politics in China. They have not as parties been active on Malayan questions although individual members have been outspoken in their criticism of the Malayan Union and the Constitutional Proposals, and have been active in the Pan Malayan Council of Joint Action. Right-wing Chinese political organizations wanted dual citizenship, while the left-wing organizations were strong critics of the Malayan Union. Both wings opposed the separation of Malaya and Singapore and urged a democratic constitution based on suffrage. At first the Chinese were vehement in their remarks about the Malayan Union, but when it became apparent that some compromise would be made between the government and the sultans, the right-wing Chinese realized that any newly acquired rights would be in jeopardy. Consequently the right-wing Chinese have approved the union scheme and throughout the negotiations between the government and the Malay representatives urged the protection of their prospective status.(18)

f. Inter-racial Tension.

186 578 [579] 642 The development of Malay nationalism following so closely on the widespread organization of Chinese into wartime guerrilla organizations which have persisted in the form of social and veterans clubs has aggravated the ever present danger of racial conflict in Malaya. Shortly after the British reoccupation of Malaya there were several bloody incidents in one of which an entire Chinese village was wiped out. Physical violence between Chinese and Malays ceased, except for isolated instances, soon after British authorities had reestablished order. However, the long drawn out controversy over the Malayan Union plan, the formation of exclusively Malay political organizations, the secrecy and exclusiveness of Malay-British negotiations to amend the Malayan Union plan, and Malay insistence on special rights for Malays have been divisive influences on Malay-Chinese relations.

g. Labor.

467 The organization of political parties in postwar Malaya has been paralleled by the rapid growth of an organized labor movement. Labor activities started in October 1945 with the formation of unions by trades in the various states and the main cities. By February 1946, unions had been federated into General Labor Unions in Singapore, Perak, Penang, Selangor, Johore and Negri Sembilan. The General Labor Unions cooperated in forming a Pan Malayan Federation of Trade Unions [563] which became affiliated with the World Federation of Trade Unions. Chinese dominate the membership and leadership of most Malayan unions. Indians play a role in certain unions, e.g. the railroad workers, but only a handful of Malays belong to unions.

467 656 642 The British Labor Government is committed to promoting the organization of labor in colonial areas. It has sent trade union advisers to both Singapore and the

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(18) Based on "Political Thought in Malaya", op. cit., p. 129.

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Malayan Union to assist in the formation of unions and to build up conciliation services to settle labor disputes. Prewar legislation (never put into effect) concerning trade unions and industrial disputes has been revived. It limits use of union funds to purely economic self-improvement purposes, it requires strict accounting of funds, and registration of unions and their officials.

The governments of Malaya have been anxious to register existing unions. October 1, 1946 was set as the last date on which unions could apply for registration but so few unions had applied by that date that the time was extended to May 1947. By late spring of 1947, most local unions which could legitimately apply for registration had done so. Problems arose over the General Labor Unions and the Pan-Malayan Federation. Some British officials believe that these federated unions may be communist dominated and have political aims. They have insisted that, before these federated unions could be accepted for registration, application must be voted upon by a definite proportion of their member unions and agreement must be reached that not more than 10% of local union dues should be passed on to the federation. Late in June, the Singapore General Labor Union was accepted for registration. The Pan-Malayan Federation had complied with all the requirements for registration and it was only a matter of time before it would be accepted. Thus, by mid-1947, registration of trade unions was in effect complete. Organised labor, legally recognised, had become part of the Malayan econo.

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Meanwhile, strikes have been frequent and prolonged. Between September, 1945 and May 1946, some 200,000 workers engaged in thirty odd strikes which affected all major industries and utilities. Strikers sought both economic and political objectives: e.g. higher wages, larger rice rations, standards of work commensurate with those in Western countries, support for the United Nations, for nationalists in Indonesia and Indochina, and for democracy in Malaya. Strikes have continued on an equal scale since mid-1946 and have adversely affected coal and power production, rubber estate operation and the Singapore docks. With increasing government insistence upon registration of unions, however, there has been a trend towards limiting strikers' demands to non-political points and towards settlement of disputes through voluntary arbitration.

h. The Press.

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Further evidence of the new Malaya which has emerged from Japanese occupation is clearly evident in the quantity and vigor of newspapers and magazines which are being published. This is a natural corollary of the development of nationalism, political parties and labor unions. New publications are instruments of these groups.

i. Malaya's Postwar Economy.

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It is too soon to predict how far Malaya's postwar economy will resemble the prewar economy. During 1946, rigid trade and exchange controls limited imports to Malaya to sterling areas, primarily to Britain. Export of rubber and tin was in accordance with international allocations of these scarce commodities and there was a demand for as much as Malaya could produce.

By mid-1947, Malaya's transport system had been put into fair shape. Under Government orders food production was being increased, but food supplies remained scarce; promised imports did not materialize in as large quantities as expected and food rations were reduced several times. A widespread black market in food and all essential goods prevailed. Standards of food, clothing and shelter were far below prewar.

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-727 433 439 [249] [316] While large orders for machinery to re-equip the tin industry had been placed in Great Britain, deliveries had been slow and it was expected that it would be 1949 or 1950 before the industry was back in normal condition. Rubber production, on the other hand, was increasing rapidly particularly from native holdings, and was expected to surpass any prewar year in 1947. Since the rubber price had slumped during mid-1947, since international allocation of rubber ceased at the end of 1946, and since synthetic rubber production was continuing in the United States at a high rate, Malayan producers were naturally worried over the long term prospects for their industry.

[255] The Malayan pineapple export industry which was nurtured under the wing of Imperial Preference and whose processing plant was largely destroyed during Japanese occupation also faces an uncertain future in the face of competition with the Hawaiin industry should a free world market develop.

[185] Despite the uneasiness which grips Malayan business, both European and Asiatic, especially among those interested in the export trade, no plan for the postwar economy of Malaya has yet been announced by the Malayan government. Merchants in Malaya are uncertain what their future ties to Great Britain and the Empire will be.

3. Malaya's New Role in the Empire.

648 642 Meanwhile, the plan for Malaya's postwar role in the Empire is becoming clearer. It is now apparent that the transfer of direct jurisdiction from the Malay Sultans to the British Crown and the establishment of a unified Malaya was to be part of a plan to integrate Malaya with other British-controlled areas in Southeast Asia and to strengthen Britain's military and political position in Southeast Asia. The creation of a Federation of Malaya in place of the Union will not alter the basic British plan.

The five main British areas in Southeast Asia — Malaya, Singapore, North Borneo, Sarawak and Brunei — have been formed into an informal unit in the British Empire known as Malaysia, under the Colonial Office and headed by a Governor General. Policy in the areas as a whole is coordinated through a common defense council, a common political committee, and periodic conferences of the Governors of the several areas under the chairmanship of the Governor General. Malaysia's importance within the British Empire increases as India approaches independence. As India's ties with Britain are weakened, Malaysia, now under the direct control of the Colonial Office, will become Britain's principal military and political base in the East.

648 178 Malaya's integration into the larger Malaysia, whose importance within the Empire is being augmented, is occurring at a time when within Malaya there is a development of national consciousness among the Malays, a desire among Chinese for equal rights, a drive for labor organization, and widespread uncertainty about the future of the country's economy. If the country suffers from loss of world markets for rubber and tin and is unable to readjust its economy to the loss, it may find itself dependent upon financial assistance from Britain to support necessary educational and welfare services. On the other hand, the striving for

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self-government and the effort for a self-realization along racial lines within Malaya (fanned by aroused nationalism in China, India and Indonesia) may conflict with Britain's efforts to direct Malaysia into its new Empire role. The postwar decade will be a period of internal political growth within Malaya which, unless handled with utmost wisdom, will create a constant potential threat of racial conflict and Malay-British antagonism.

RECENT DEVELOPMENTS.

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Opposition to the plan for creating the Federation of Malaya (as outlined in the July White Paper) continued during the autumn of 1947, culminating on October 20 in a one day Malaya-wide general strike organized by the Pan-Malayan Council of Joint Action, the Malay Council of Joint Action, the Pan-Malayan Federation of Trade Unions and the Associated Chinese Chambers of Commerce. The most startling aspect of the strike was the participation in it of Chinese business interests, on the one hand, and Chinese liberal and labor interests, on the other hand, groups which are ordinarily diametrically opposed to each other on political issues. The strike, carried out with a noticeable lack of intimidation, succeeded in paralyzing business and transport throughout Malaya for one day. Thus far, however, it has brought no political results.

The strike was called to demand abandonment of the plan for a Federation of Malaya as enunciated in the July White Paper and to request instead a Federation which would include Singapore, which would have a genuinely representative form of government and which would have a citizenship open to all races and connoting real nationality. All the groups backing the strike (except the Chinese Chambers of Commerce which disagreed with a few minor points) had accepted as an alternative to the White Paper the People's Constitutional Proposals, a document which had been worked out during the summer months by the Pan-Malayan Council of Joint Action and the Malay Council of Joint Action. The People's Constitutional Proposals would establish under British sovereignty a Federation of Malaya including Singapore. The Malay States having joint sovereignty with the United Kingdom would be constitutional monarchies. Britain would retain authority for defense and foreign relations but on all other questions the Federation would have autonomy. The Federation would have a central elected Legislature with one representative for each 45,000 of the population. For the first nine years of its operation, 55% of the seats in the Legislature would be reserved for Malays. The Legislature would elect a Prime Minister and an Executive Council. The only functions of the British High Commissioner in relation to these central bodies would be to formally open the Legislature and to approve bills. The Federation would have a genuine citizenship which required allegiance to the Federation and renunciation of other allegiances, and enumerated rights and duties for citizens. The official language would be Malay. A Council of Races would pass on all bills to insure that they contained no racial discrimination.

Despite the success of the general strike on October 29, despite the apparently wide and coordinated opposition to the White Paper Federation Proposals, and despite the existence of an alternative constitution in the People's Constitutional Proposals, there has been no indication that the Federated Proposals will be altered or their implementation delayed. On the contrary, there is every reason to suppose that the Federation as described in the July White Paper will be created very early in 1948.

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PART III. PHILIPPINES.

by

Shirley Jenkins.

PART III

THE EVOLUTION OF PHILIPPINE INDEPENDENCE

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On July 4, 1946, the United States formally inaugurated the Republic of the Philippines. The United States presidential proclamation declaring the independence of the country affirmed that "the people of the Philippines have clearly demonstrated their capacity for self-government" and officially announced that "the United States of America hereby withdraws and surrenders all rights of possession, supervision, jurisdiction, control or sovereignty now existing and exercised by the United States of America in and over the territory and people of the Philippines."

This shift in sovereignty took place according to the schedule laid down in the Philippine Independence Act adopted by the United States Congress on March 24, 1934. That Act provided for the establishment of the Commonwealth of the Philippines as a ten-year transitional form of government, preparatory to the withdrawal of American control, to culminate with the proclamation of independence and the inauguration of the Republic.

175 Over-simplified interpretations of the motives for this novel innovation in colonial policy by a major power saw in it the undisputed triumph of moral principle, presaging the voluntary abdication of colonialism from the historical arena. More serious students of colonial relations, however, discerned other equally compelling and perhaps more realistic factors in the situation. The adoption of the Philippine Independence Act reflected a curious combination of diverse motives which together accounted for the legislative majority supporting the ultimate withdrawal of American sovereignty from America's largest, richest and most populous colonial possession. Some supporters were acting on a genuine anti-colonial principle; others responded to the strong pressure of Filipino nationalism for Philippine independence, which had been envisaged by the United States as far back as 1916 in the Jones Act. Doubtless a considerable degree of support to the measure came from the isolationists in Congress, who were hopeful thus of sparing United States' involvement in Asiatic problems which were being highlighted by Japan's incursions in Manchuria and North China.

An additional factor, and one which contributed strongly to the support of the independence movement, was the growing concern in some American circles during the depression years of the early thirties about economic competition between certain American and Philippine products. American interests with capital investments in the Philippines and those engaged in import-export business with the islands, would have preferred retention of American control. Their importance was more than offset at this particular period by the influence of Americans with interests in domestic, Cuban and Puerto Rican sugar, and in the American dairy and oil business, all of whom envisaged growing competition from Philippine sugar and coconut oil. American labor while in general anti-imperialist, was also anxious to shut out competition from cheap foreign labor.

This conflict of economic interests had been reflected in Congress for some time. In October 1929 an amendment to the tariff bill providing for immediate independence to the Philippines, and thus terminating all duty exemptions for Philippine products, came within nine votes of being adopted in the Senate. In January, 1933, the Hare-Hawes-Cutting Act, almost identical with the later

175 Tydings-McDuffie Act, was adopted by Congress. It was vetoed by President Hoover, but the veto was promptly overridden. Before the law was presented to the Philippine Legislature for approval, however, Franklin D. Roosevelt had succeeded Herbert Hoover as president and the political complexion of the United States Congress had likewise changed.

The Hare-Hawes-Cutting Act was rejected by the 10th Philippine Legislature-largely, it is generally believed, because it was secured by the Osmena-Roxas Mission. Quezon, then President of the Philippine Senate and undisputed leader of the Nationalist Party, was believed to be unwilling to see the victory of independence go to his two greatest rivals. Basing his objection to the Act on its provision for United States' retention of military and naval establishments in the Philippines,(1) Quezon immediately headed another mission to the United States and returned home with the Tydings-McDuffie Act, which differed very little from the previous Act. The latter did provide, however, that the United States, upon withdrawing its sovereignty, would withdraw "all military and other reservations of the Government of the United States in the Philippines (except such naval reservations and other fueling stations as are reserved under Section 5)" (sec. 10, (a)). The economic provisions of the Hare-Hawes-Cutting Act, dictated by American interests fearing the competition of Philippine products, were preserved in the new Act virtually intact.

There was one important alleviating circumstance in connection with the Tydings-McDuffie Act which made it somewhat more palatable to the Philippines. When he had presented it to Congress, President Roosevelt had stated:

> "Where imperfections or inequalities exist, I am confident that they can be corrected after proper hearing and in fairness to both peoples".

The Philippine Legislature accepted the Act which Mr. Quezon brought back to them, and their confidence in President Roosevelt was justified when a Joint Committee was created in 1937 to "study trade relations between the United States and the Philippines and to recommend a program for the adjustment of Philippine national economy." As a result of this committee's studies and recommendations, the Tydings-McDuffie Act was amended in 1939, easing to some extent some of the economic provisions of the original Act.

While it is clear that particular American interests did bring pressure to bear in the matter of Philippine independence, it is also amply clear in the record that the United States had intended to grant independence to the country, and that it was a combination of domestic and world developments that gave impetus to the movement at the time of the passage of the Independence Act. No one is more insistent upon this point than Filipino spokesmen such as former President Sergio Osmena and General Carlos P. Romulo, who declare that American economic interests alone could not have forced the issue had it not been the overwhelming desire and purpose of the United States to assist the Filipinos to attain their independence.

I. GOVERNMENTAL STRUCTURE.

642 The independence proclamation of July 4, 1946, further recognized "the independence of the Philippines as a separate and self-governing nation" and acknowledged "the authority and control of the Government instituted by the people thereof, under the Constitution now in force."

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(1) The Good Fight, by Manuel Luis Quezon. New York: D. Appleton-Century Co., 1946, P. 149.

642 That Constitution was drafted in 1934 - 35 by a Constitutional Convention consisting of delegates elected by the Philippine electorate as provided for in the Tydings-McDuffie Act. The Convention was thereby instructed to formulate and draft a Constitution republican in form and embodying a bill of rights and including specific provisions to protect American interests pending "the final and complete withdrawal" of American sovereignty. The draft was approved by President Roosevelt and then ratified by the Philippine electorate later in 1935.

In its original form, the Constitution provided for a unicameral legislature and six-year terms for the president and vice-president. In 1940 the Constitution was amended to provide for the establishment of a bicameral legislature and the presidential and vice-presidential terms of office were reduced to four years, with eight years set as the limit of consecutive service for the two latter offices. These amendments were approved by the President of the United States on December 20, 1940.

Executive power is vested in the president. Legislative power is vested in the Congress of the Philippines, consisting of a Senate with 24 members chosen at large, to serve six -year terms, and a House of Representatives composed of "not more than 120 members who shall be apportioned among the several provinces as nearly as may be according to the number of their respective inhabitants, but each province shall have at least one member." The representatives serve four-year terms.

The judicial power is vested in a Supreme Court composed of a Chief Justice and ten Associate Justices appointed by the president with the consent of the Commission on Appointments of the Congress, and "such inferior courts as may be established by law". Congress has the power to define, prescribe and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its original jurisdiction as defined in the Constitution.

641 Of particular significance is the Bill of Rights, comprising 21 points, which constitutes Article III of the Constitution. Although the instructions to the Constitutional Convention included provision for such a bill, it might be noted that such a concept was not entirely foreign to the Filipinos, who had included in their Malolos Constitution (Jan. 20, 1899) a Fourth Title, "The Filipinos and Their National and Individual Rights."

At the time of the Constitution's adoption, suffrage was exercised by male citizens of the Philippines 21 years of age or over, able to read and write. Later, after a plebiscite held in accordance with Article V of the Constitution, the right of suffrage was extended to women with the enactment of Philippine Commonwealth Act No. 233.

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The literacy requirements actually serve as a limitation on suffrage, since less than half of the adult population is literate. This is not to belittle America's educational activities in the Philippines, which have frequently been cited as one of the singular achievements of American rule. In comparison with the Dutch and British policy on education in the colonies, America's educational policy in the Philippines appears nothing less than revolutionary. As much as one third of government revenue in the islands was expended on education. It must be remembered, also, that the broad program of public education had to begin almost from scratch.

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Lack of comparable figures for the literacy of the population in Spanish days and in the early years of American rule makes it somewhat difficult

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-871 [illegible] progress on this basis. The census of 1918 did reveal, at any time, that 49.2 per cent of persons ten years of age or over could read some language, and this marked an increase of 5 per cent over the 1903 census figures. (2)

871 The immensity of the task of public education, the handicaps of travel, communication and language which beset the early American teacher and his Filipino successor, and the comparatively brief period since the public school
212 system was inaugurated, all are reflected in the literacy figures presented in the last pre-war census (1939). At that time, after forty years of American rule, only 48.8 per cent of the total population could read and write some
191 language or dialect. Only 26.6 per cent were able to speak English, the only language of instruction used in the public schools of the islands during the period. Less than one per cent of the Filipinos were graduates of college, normal school or university; only 18. 2 per cent were graduates of primary school.

-641 These conditions were of course reflected in the electorate. In 1939, only 44 per cent of all Filipinos of voting age were literate - 51.7 per cent of the men and 36.3 per cent of the women. Therefore, more than half of the
212 population of voting age was denied the right to vote because of inability to comply with literacy requirements.

369 Further, as is to be expected, the highest literacy rate is found in urban areas and among the wealthier classes. This means that the majority of tenants, peasants and laborers, and especially those in the rural areas -
565 the groups which make up by far the larger proportion of the Philippine population - are virtually without representation in government. This
212 situation contributed to the emergence of one-party dominance in the government even while the country was under the jurisdiction of the United States.
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Essentially, the Constitution of the Philippine Republic and the country's governmental structure are modelled after the Constitution of the United
642 States and the American form of government. As Manuel Quezon, the first President of the Commonwealth, described it: "Although in its main features, the Philippine Constitution was practically a copy of the Constitution of the United States, it contained new provisions to meet the social problems of our day which did not exist when the fathers of the American Republic drew up their own constitution. It also contained the clause in the famous Kellogg Pact that the Philippines renounced war."

While the Constitution did grant far greater power to the President than is granted by the United States Constitution, this was considered by no less an authority than the late Dr. Hayden to be "in harmony .....with the native Filipino conception of the role which the President should play." (3) "The critical situation of the Philippines and the world during the Commonwealth period gave a further impetus to the developing strength of the presidential office, at the expense of the Legislature and the Judiciary. Thus it has been noted that "the Constitution laid the legal foundations for the quasi-dictatorship which seems to be emerging." (4)

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(2) Census of the Philippine Islands, 1918, II, p. 57.
(3) The Philippines, by J. R. Hayden. Macmillan, New York, 1942, p. 75.
(4) Government and Nationalism in Southeast Asia. IPR Inquiry Series, New York, 1942, p. 62.

II. FILIPINIZATION OF THE ADMINISTRATION.

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From the American acquisition of the Philippines in 1898 to the proclamation of the Republic in 1946, a complex progression from outright American military government to complete Filipinization of the administration unfolded. The development was not straight and sequential, but proceeded unevenly with recurrent retrogressions and progressions reflecting the conflict on Philippine policy in the United States and shifting legislative majorities. It was not that America lacked a Philippine policy, as had been frequently asserted. Historically speaking, two conflicting lines of policy contended for dominance in America's relations with the Philippines from the very beginning.

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One stressed the dependence of the Islands on the United States within the framework of an American colonial empire. The other, articulated by the Democratic Party, the anti-Imperialist League and the independent anti-Expansionists, insisted upon the independence of the Philippines from the very inception of American relations with the Islands. The apparent contradictions in the Philippine policy of the United States reflected the shifting balance of power between these two diametrically opposed trends of American thought. Sometimes one and then the other assumed the upper hand, and frequently both were rather evenly balanced in a single legislative act.

In essence, the conflict reflected America's growing pains as a world power. The Jeffersonian and Lincolnian concepts of democracy and national freedom, that epitomized America's emergence from colonial status to independent nationhood and the development of America's own potentialities and resources were challenged by new political doctrines reflecting America's economic expansion and entrance into world markets. In the graphic words of A. Whitney Griswold:

> "Amid the clash of arms the Philippine Archipelago became an American colony. These Islands, lying some six hundred miles off the Chinese coast, bore no conceivable relation to American supremacy in the Carribean, much less to the continental security of the United States. With their annexation the United States emerged from its habitual, self-sufficient abode in the Western Hemisphere and entered the limitless realm of world politics, naval rivalry and imperial dominion. A step so unprecedented could not have failed to influence the character of American diplomacy in every quarter of the globe, and nowhere more profoundly than in that which included the Philippines". (5)

In President McKinley's early pronouncements on the Philippines we hear the uninhibited voice of expansionism, intermingled with perorations on the nobility of America's mission in the Islands. The President's statement of December 21, 1898, frequently alluded to as the "Benevolent Assimilation" proclamation, is a classic expression of this strange mixture. On the one hand the Filipinos were told: "In the fulfilment of the rights of sovereignty thus acquired and the responsible obligation of government thus assumed, the actual occupation and administration of the entire group of the Philippine Islands becomes immediately necessary and the military government heretofore maintained by the United States in the city, harbor and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.... Within the absolute domain of military authority, which necessarily is and must remain supreme in the ceded territory .. the operations of civil and

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(5) The Far Eastern Policy of the United States, by A. Whitney Griswold. Harcourt Brace and Co; New York, 1938, pp 3- 4

175 municipal government are to be performed by such officers as may accept the supremacy of the United States by taking the oath of allegiance........"

The proclamation went on to say: "Finally, it should be the earnest wish and paramount aim of the military administration to win the confidence, respect and affection of the inhabitants of the Philippines by assuring them in every possible way that full measure of individual rights and liberties which is the heritage of free peoples, and by proving to them that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule." The very next sentence, however, was: "In the fulfilment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority, to repress disturbances and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States."

To the Filipinos who had revolted against Spain, played an important role in her defeat, and proclaimed their own Republic with the expectation of American recognition, McKinley's proclamation was tantamount to a declaration of war. In the opinion of some contemporary observers it precipitated the Filipino - American war which lasted for three and a half years until American might subdued the resisting Filipinos and American sovereignty over the Islands was established.

175 642 647 The Filipino resistance and anti-expansionist criticism at home forced a modification of the policy embodied in the "Benevolent Assimilation" proclamation. After the occupation and pacification of the Islands, American civil government was inaugurated. President McKinley's instruction to the Second Philippine Commission, dated April 7, 1900, formulated what amounted to the basic principles of American administrative policy during the first period of American rule under Republican control (1899 - 1913). In essence, it established the pattern for the development of local self-government under American control; or Filipinization of the lowest levels of government administration, with the executive and the higher echelons of government vested in American hands. Both the executive and judicial power were vested in the Philippine Commission. At first this body was composed exclusively of Americans, but later a few Filipinos were added with limited legislative rights. In 1902 election of Filipino provincial and municipal officials commenced.

641] The first steps toward some democratization of the Insular Government were undertaken in 1907. The franchise was granted to approximately four per cent of the population of the Philippines. An elected legislative assembly was established, with a voice and some measure of control over domestic legislation and finances, but the executive remained entirely under American control. Throughout this period Filipino nationalism continued to grow, Filipino aspirations for independence intensified, and American avowals of the ultimate right of the Filipinos to self-government, after a period of preparation, began to make their appearance as the characteristic political framework in which American sovereignty was enforced. As far back as 1908 Secretary of War William Howard Taft (formerly Chief Executive of the Philippine Commission and the first American Civil Governor of the Islands) asserted in his report to President Theodore Roosevelt:

> "When the Filipino people as a whole show themselves reasonably fit to conduct a popular self-government, maintaining law and order and offering equal protection of the laws and civil rights to rich and poor, and desire complete independence of the United States, they shall be given it."

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The Democratic victory in the elections of 1912 and the assumption of office by President Wilson ushered in a new period of Filipinisation which has been termed by Joseph Ralston Haydon the period of "the development of Philippine Autonomy (1913 - 1921)". In 1913 the key positions in the Philippine administration were held by Americans and Filipinos were confined to the subordinate and a few intermediary posts. Between 1913 and 1921, under Governor General Harrison's application of the Jones Act, the government services were Filipinised extensively and all but a small number of Americans had been replaced by Filipinos.

In 1916 the right of franchise was extended to all literate males who were over 21 years of age or who paid $15 annually in taxes. A bicameral legislature was created, with increased power over domestic legislation, taxation and expenditure, but American control was firmly retained in the form of the American Governor General's sweeping power of veto.

The significant fact that emerges is that Filipinisation was not at all synonymous with the relaxation of American control. As a matter of fact Congress balanced every increase in local autonomy and Filipinisation of the Philippine administration with more specific and rigid definitions of America's sovereign and controlling power. This was reflected most clearly in the Jones Act of 1916. The preamble to the Act committed America to the independence of the Philippines in the following much quoted words:

> "It is, as it always has been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein."

But as Haydon has so carefully noted:

> "In its preamble this law gave lip service to Democratic principles, but its body conformed with traditional Republical policy by providing for the Philippines a typically American system of government over which the United States retained final control. In effect, the Jones Act turned the Philippine Legislature almost completely over to the Filipinos, but greatly strengthened American control over the executive department and retained in American hands ultimate authority in certain vital subjects of legislation and over the government as a whole. Particularly, the Governor-General created by the Act was the typical head of the executive branch of the government under the theory of the separation of powers, together with additional prerogatives not enjoyed by any of his continental prototypes." (6)

Governor-General Harrison proceeded with rapid Filipinisation and enabled the Philippine Legislature to assume a greater degree of authority than it had ever enjoyed previously. The Republican victory in the 1920 elections and President Harding's assumption of office brought about a reversal of the Philippine policy of the previous Democratic administration. President Harding sent a special mission to investigate the Philippines. Its report (Wood-Forbes Commission of Inquiry Report, 1921) condemned the Harrison policies and established the basis for limiting the authority that the

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(6) The Philippine Policy of the United States, by Joseph Ralston Haydon. International Secretariat, Institute of Pacific Relations, New York, 1939 (mimeographed) p. 10.

642 Philippine Legislature had won in the Harrison regime. Wood was appointed
Governor-General and with the full support of PresidentsHarding and Coolidge
175 endeavored to limit Philippine autonomy. To cite Hayden once again:

> 647 "He (Wood) refused to be bound by the doctrine that the Governor-General had no power or responsibility except in matters involving the continuation of American sovereignty or the international obligations of the United States. The Council of States was eliminated in August 1923, by the resignation of the legislative members as a part of the campaign of the Filipino political leaders against the Governor-General. The Board of Control was put out of existence in 1926 by an executive order of the Governor-General which was upheld by the Supreme Courts of the Philippine Islands and of the United States. By 1927 the sytem of government which had been created by subordinating the body of the Jones Law to its preamble had been profoundly altered. It is of interest to note that this constitutional volte face was accomplished wholly by the executive (supported by the courts) and without any congressional action whatever." (7)

The ensuing years were marked by the further momentum of the Philippine independence movement in the Islands, and the growing conflict between the contending economic interest groups and the pressure for Philippine independence in the United States, that culminated in the passage of the Tydings-McDuffie Act.

The establishment of the Commonwealth of the Philippines, as the transitional government preparatory to independence, marked the complete Filipinization of the Philippine government. In setting a specific date for Philippine independence and providing for the establishment of the Commonwealth Government, manned and administered by Filipinos, was a great advance for Philippine autonomy and local self-government and constituted a unique development in colonial relations, but the sovereignty and authority of the United States was zealously guarded. Thus the President of the United States was vested with the authority "to suspend the taking effect of or the operation of any law, contract, or executive order of the government of the Commonwealth of the Philippine Islands" on virtually unlimited grounds. (Tydings-McDuffie Act, (Sec 7 (2)). Further the Act accorded the United States "the right to intervene" for the purpose of preserving governmental stability in general, order, and property. In addition the Act made mandatory the inclusion in the Philippine Constitution of a series of provisions asserting the sovereignty and supreme authority of the United States and assuring equal civil rights to its citizens, and reserving to the U.S. Government final control over the public debt, currency, trade relations, immigration, foreign affairs, the armed forces of the Commonwealth, review of court decisions, the rights to expropriate property for Federal Government use, and to maintain military and other reservations, as well as provisions binding the future independent government to adjust and respect American property rights.

175 The pressure of the economic interests fearing the competition of
Philippine products was instrumental in the adoption of the Tydings-McDuffie
642 Act, but American investments in the Islands were carefully safeguarded, not
only for the interim Commonwealth period but for the indefinite future. A
421 special Constitutional provision (Article XVII, Sec. 1) provided that upon

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(7) *Ibid*, p. 17.

175 642 the proclamation of the independence of the Philippines:

> 421 "The property rights of the United States and the Philippines shall be promptly adjusted and settled, and all existing property rights of citizens or corporations of the United States shall be acknowledged, respected and safeguarded to the same extent as property rights of citizens of the Philippines."

175 642 647 That the Commonwealth period was one of comparatively little friction, and that the supreme authority of the United States was seldom invoked, and then in minor matters, bespeak the political maturity of the Filipino leaders and America's interpretation of her role during that time as providing safeguards rather than brakes to the full development of the Philippine government. Imperfect as American rule doubtless was in many respects, and unattractive as may have been some of the provisions accompanying the promise of independence, the Filipinos on their part realized that this was an entirely new development in relations between two countries and accepted the pattern, frankly hoping that some of the provisions for future adjustments would redound to their benefit.

175 669 Their faith in that concept was amply demonstrated during the years of war and enemy occupation. The largest and most effective anti-Japanese resistance movement arose throughout the archipelago — truly a people's army. The Filipinos offered the resistance of a nation standing on the threshold of independent national existence, cognizant that the Japanese invader represented the defeat or prolonged setback of the independence already promised for July 4, 1946. The fact that Filipino aspiration for independence had already been acknowledged by the United States laid the basis for the depth and completeness of the alliance between the Filipino people and the United States during the war.

175 642 Moreover, there was sufficient knowledge among the Filipinos of Japan's own governmental structure and colonial administration for them to realize that Japan had nothing to offer them comparable to what the United States had promised. Not to be outdone by the United States, however, Japan went through the motions of granting "independence" to the Philippines and set up a puppet Republic on October 14, 1943, under the presidency of Jose P. Laurel. This followed an initial period during which the Japanese had administered the country through a Philippine Executive Commission. A large part of the prewar Nacionalista Party served in both the Executive Commission and the puppet Republic.

The attitude of the United States towards the puppet Republic and collaborators was defined unmistakably by President Roosevelt in a statement released to the press by the White House on October 22, 1943. The statement said in part:

> "I wish to make it clear that neither the former collaborationist 'Philippine Executive Commission' nor the present 'Philippine Republic' has the recognition or sympathy of the Government of the United States. No act of either body is now or ever will be considered lawful or binding by this government. The only Philippine government is that established by the people of the Philippines under the authorization of the Congress of the United States— the Government of the Commonwealth of the Philippine Islands. At my request the principal executive officers of the Commonwealth were transferred in

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1942 from Corregidor to Washington......Our sympathy goes out to those who remain loyal to the United States and the Commonwealth—to that great majority of the Filipino people who have not been deceived by the promises of the enemy and who look forward to the day when the scheming, perfidious Japanese shall have been driven from the Philippines. That day will come."

Indeed the Philippines was accorded legal international recognition during the war. A Philippine government-in-exile was established in Washington and was officially recognized as representing an allied nation. Upon the initiative of President Roosevelt, the Philippines was included as a member of the United Nations, President Quezon signing the United Nations agreement. Also, it was officially represented in the Pacific War Council, which embraced the United States, Great Britain, China, the Netherlands, and the Dominions of Canada, Australia and New Zealand.

When President Quezon died, at Saranac Lake on August 1, 1944, he was accorded in death the full honors of the head of a sovereign state, with interment at Arlington Cemetery until July 1946, when a U.S. carrier with escort bore the body of the first President of the Commonwealth back to Manila for a state funeral and burial in his native land. At a simple ceremony in Washington, Vice President Sergio Osmeña was sworn in as President of the Philippine Commonwealth a few hours after word was received of the death of Quezon.

III. POST-LIBERATION PERIOD

It was of some significance that one of General Macarthur's first announcements after he landed at Leyte in October 1944, was that the United States would not establish military government in the Philippines. The General was accompanied on his return to the Philippines by Sergio Osmena. Civil government was carried on by Osmena and other Commonwealth officials from October 23, 1944, and full civil authority over the entire country was turned over to the President in Manila in February 1945.

Frequently, however, the line of demarcation between the Commonwealth's authority and that of the United States Army was vague or indistinguishable. In many respects the authority of the United States Army was the dominant factor in the initial post-war period. Much of his people's dissatisfaction with President Osmena's performance during this trying period may well be traced to this confusing situation, unavoidable as it may have been.

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The United States Congress in December 1945, and the Philippine Congress in January 1946, made provisions for the holding of the first general elections in the Philippines since November 1941. The elections engendered widespread controversy throughout the entire closing period of the Commonwealth. President Osmena was a candidate, though by no means an active one. His war record was clear, since he had been brought to the United States along with President Quezon and members of the Cabinet. His administration in the pre-election period was undistinguished, though many of his supporters recognized the difficulties of the situation which he inherited.

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The other candidate, Manuel Acuna Roxas, had been identified with the puppet Republic during its later period. He had been a member of the

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Preparatory Committee on Philippine Independence created by the Japanese, had helped draft the constitution for the puppet Republic, and had been Chairman of the Economic Planning Board with the rank of Minister without Portfolio. There were persons in both the Philippines and the United States who felt that such activities during the puppet regime should have made Roxas ineligible for office in either the Commonwealth or the emerging Republic. President Roosevelt, in signing two resolutions dealing with Philippine matters, on June 29, 1944, had specifically outlined the most important tasks of preparing the Commonwealth for independence, once civil government had been restored. One of these was: "Those who have collaborated with the enemy must be removed from authority and influence over the political and economic life of the country."

General MacArthur, however, had set Roxas free shortly upon the return of the liberating forces to Luzon, while Roxas's colleagues in the highest echelon of the puppet government were placed in confinement for the duration of the war, "as a matter of military security" according to General MacArthur, and were then to be turned over for trial to the Philippine Government. Before the elections, therefore, Roxas was at complete liberty to assume the presidency of the Senate, a post to which he had been elected before the war, and to return to a commanding position in the Commonwealth Government and Philippine politics.

The controversy about Roxas has by no means entirely abated. The charge has been made that vital evidence pertaining to his wartime role has not been made public. Following a directive of President Truman of late 1945, the Attorney General of the United States sent Walter Hutchinson to investigate the entire collaborationist question in the Philippines. Upon his return, Hutchinson filed a detailed report with the Department of Justice, but the report has never been made public.

General MacArthur publicly absolved Manuel Roxas of the collaborationist stigma some two weeks after the Philippine elections, in which Roxas was victorious. The General stated that Roxas had acted as his contact man in the Philippines during the Japanese occupation. He further stated: "Not only was (Roxas) instrumental in providing me with vital intelligence of the enemy. He was one of the prime factors in the guerrilla movement." However, there are some guerrillas who sharply disagree with this.

The part played by the United States and its officials and representatives during this period is not, and may never become, entirely clear. (It is important to note that press censorship was not lifted until September 1945). A whole year elapsed between the liberation of the Philippines and the inauguration of the Republic. The United States then had full authority and ample opportunity to take appropriate action against the key war criminals and collaborators. Not only did it fail to act, but its attitude may have influenced the tide of events since then. Few prominent collaborators have been tried. As 1947 wore on, the People's Court trying the cases was finding it more and more difficult to secure the necessary witnesses, and many of those appearing seemed no longer anxious to testify. Laurel and his puppet associates were still at liberty, appearing at public functions, making addresses, and enjoying a surprising amount of public support. Their trials have been repeatedly postponed, and they appear confident of their eventual acquittal. Laurel was being mentioned as a possible senatorial candidate, in the November 1947 elections, and although he finally refused to allow the minority party — the party which in the 1946 election was bitterly anti-Roxas and anti-collaborationist — to propose him as a candidate, it was still

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662 believed that he might be free to and willing to consider a higher office at a later date.

IV. NEW COMPLICATIONS IN THE POLITICAL PICTURE.

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669 At this point, a new factor in the situation must be measured, for it may help to explain the failure of the United States to follow President Roosevelt's mandate with regard to collaborationists.

427 During the war, a new militant popular movement had emerged in the Philippines, the core of which was the Hukbalahap (People's Army against the Japanese). The basis of this movement, which was strongest in central Luzon, was complete resistance to the Japanese— and the puppets — accompanied by an effort to improve the agrarian situation. Among its leaders were such well-known persons as Pedro Abad Santos, leader of the pre-war Socialist Party who had devoted his life to the improvement of the situation of the tenants and laborers of central Luzon; Dr. Vicente Lava, scientist, who with his brothers had been part of the nucleus of intellectuals interested in social reform; and labor leaders of both industrial and peasant groups, among the latter being Luis Taruc.

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566 The problems which this group faced during the war were not new, except for the presence of the Japanese in their land. All during Spanish days and during the years of American rule, semi-feudal conditions of land tenure and agricultural production persisted, especially in the great rice region of central Luzon, where tenant farming was the predominant form of rice culture. The lot of those *kasamas* or tenant farmers is little removed from serfdom. It is briefly described in a study of *Agricultural Geography in the Philippines*, by the U.S. Department of Agriculture, published in December 1945:

> "Kasamas usually have to borrow money to live on and are in debt continually, often with little knowledge of their indebtedness. Being under heavy obligation to the landowner, they are worked to extremes, frequently with little hope of getting out of debt during their lifetime. In 1933 the Rice Share Tenancy Act was passed in order to promote the well-being of tenants (kasamas) on agricultural lands devoted to the production of rice and to regulate the relations between them and the landlords. Much of the benefit of this law was lost through amendments which the landlords were able to have passed, and which greatly limited the power of the original law."

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668 Before the war, the United Front of Socialists and Communists, labor unions, the Civil Liberties Union, the Young Philippines and similar bodies, had endeavored to find a political foothold in order to introduce economic reforms in their country. A few gains had been made in the 1940 elections, when Socialist mayors and councils were victorious in eight of the largest towns in Pampanga. In 1941, three opposition candidates won seats in the lower house. These gains constituted but little threat to the powerful Nacionalista Party, supported by the landed interests, the wealthy industrialists and businessmen, and the most experienced politicos.

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669 These opposition groups seized the opportunity, after the Japanese

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occupation, to combine resistance to the enemy with actual reforms in their territory. The Hukbalahap was organized in March 1942 and attracted wide support throughout the five central Luzon provinces where agrarian unrest was most severe - support from the tenants and laborers, and from an occasional enlightened landlord. Many of the landlords, however, fled to Manila and many of them collaborated with the Japanese. The Huks, arming themselves with weapons left behind or discarded by both Americans and Japanese, carried on constant guerrilla warfare against the enemy. They were commended by American officers who knew at first hand of their successful campaign against the Japanese.

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Within the area of their control, the Huks instituted reforms, dividing the land among the tenants, or insisting upon a more equable division of the crop than the former 50-50 division which had kept the tenants penniless, landless and hopeless. They conducted elections, so that for the first time this section of the electorate began to taste real self-government. Schools were kept open, and the health of the communities was safeguarded.

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With the end of the war, the peasants had therefore developed a new consciousness, organization and strength. They demanded agrarian reforms amounting to a democratization and modernization of agriculture and a greater reward for their labor demands that had been repeatedly ignored or defeated by the landlords in pre-war days. They also urged that collaborationists not be allowed to occupy positions of leadership.

President Osmena met their demands in part by liberalizing the division of crops, 60 to 40, in the tenants' favor. He was not so successful, however, in keeping collaborationists from positions of influence — the legislature elected in late 1941 and convened again by President Osmena after the return of civil administration, was made up in large part of persons who had served in one capacity or another under the Japanese. Osmena's attempts to place well-known resistance leaders in his cabinet were thwarted by the Commission on Appointments, now under the chairmanship of Senate President Roxas.

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The Roxas supporters likewise turned their attention to the Huks. They were branded as Communists, bandits, outlaws. American military authorities in many instances supported the claims of the landlords and thus weakened the Hukbalahap. Two of the most prominent Huk leaders, Taruc and Alejandrino, were held by the United States Army as "security risks" for seven months. Because of the personalities of some of the Americans involved, and because of the pre-war interests they were known to represent, there is reason to suspect that the Hukbalahap represented an unwelcome challenge not only to the old ruling party in the Philippines but also to American interests that had flourished in the old days. There were many evidences that American post-war policy was directed towards the restoration of the pre-war status quo and continued reliance on the landlords and the upper layer of Philippine society.

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For the first elections, therefore, the cards were already stacked against the opposition. The Huks, together with several liberal groups forming the new Democratic Alliance, somewhat reluctantly supported that part of the old Nacionalista party headed by Osmena and including several persons prominent in the resistance movement. As noted above, however, the Osmena administration had been able to accomplish little in the confused period following upon the end of the fighting. The Roxas wing of the party, backed by the wealthier elements of the population and with American support

175 666 only thinly disguised, campaigned on the failures of the Osmena administration and its own promises of improvement of the situation. Roxas was elected President with 54% of the total popular vote. His running mate, Elpidio Quirino, was elected Vice President.

667 The Roxas party, now calling itself the Liberal Party, as a result of the elections held 13 seats in the Senate to the opposition's 11. In the House, the Liberal Party had 58 seats to the opposition's 40. Thus the Roxas party won the majority of both the Senate and the House, but lacked the three-fourths majority in each body necessary for undisputed control.

V. THE REPUBLIC'S FIRST ADMINISTRATION

175 646 642 One of the first blots upon the new administration's record was its challenge to several of the successful opposition candidates. Basing their case on allegations of terrorism and falsification at the polls, the Senate and the House respectively prevented three minority members of the Senate and eight Congressmen, elected from provinces in Central Luzon and certified by a majority of the Electoral Commission, from taking their seats. Exclusive power on matters of elections, returns and qualifications of the members of each House, is vested in the Electoral Tribunal, according to the Philippine Constitution (Article VII, Section 11). Those men representing the opposition were barred from their seats in spite of this constitutional procedure. Not until May 1947 were the three Senators and four of the eight Congressmen finally seated. It should be noted, also, that although the Philippine Constitution explicitly provides that "no person shall be a member of the House of Representatives unless he is a natural-born citizen of the Philippines" (Article VI, Section 7), Spanish-born Congressman Tomas B. Morato of the Liberal Party was sworn in.

175 642 There are other danger signals on the precarious path of constitutional democracy in the Philippines today, many evidences that provisions in the Constitution are not being strictly adhered to. The Constitution provides for a Supreme Court of eleven members (Article VIII, Section 4), but President Roxas has reduced it to seven members under authorization to reorganize and revamp its membership. A Reorganization Act has vested unlimited powers in the hands of the President. Some conservative Manila newspapers have described this unprecedented delegation of power to the president as a virtual abdication on the part of Congress. The separation of powers on which the Philippine Constitution is based is giving way to a vast centralization of authority in the executive.

175 642 667 A grave deviation from the Constitution was expressed in the administration's approval of an amendment to the Philippine Constitution to grant American capital equal rights with Filipino capital in the exploitation of the Islands' natural resources, as required by the U.S. Congress in the Philippine Trade Act of 1946, which is discussed at some length in the following section. The Philippine Congress voted to approve this Constitutional amendment, popularly known in the Philippines as the "parity" amendment, by a vote of 68 to 18 in the House and 16 to 5 in the Senate. (8) The Constitution, however, explicitly provides that constitutional amendments shall first be approved "by a vote of three-fourths of all the Members of the

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(8) New York Times, Sept. 19, 1946.

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Senate and of the House of Representatives voting separately." (Article IV, Section 1). Three-fourths of elected members (including those not seated) of the Senate is 18, three-fourths of the House is 73. The amendment did not have the support of this number of members in the respective bodies, and the minority in the Philippines thus challenges the constitutionality of the plebiscite to ratify this amendment.

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The parity amendment was ratified in a popular plebiscite held on March 11, 1947, by an overwhelming majority of the voters -nearly eight to one in favor of the amendment. The presentation of the issue had much to do with the result. The Government leaders conducted a barnstorming campaign all over the islands, while the opposition, anti-parity speakers faced many difficulties in presenting their position. In the pleas for a favorable vote, it was commonly implied that failure to ratify the amendment meant the loss of the benefits of preferential trade, of war damage settlements, of all manner of American aid. The point was also made over and over that a vote for the amendment was a vote of confidence in America. As the President of the Philippine Chamber of Commerce stated, parity was supported on the grounds of "economic expediency", and hope was expressed for later adjustments. (9)

In view of the importance of the issue, the total vote - 1,920,000 out of a potential vote of well over 3,000,000 - was considered very light. It is common knowledge in the Philippines that there was an uncommon amount of intimidation, irregular voting and outright fraud. And within the time since ratification, lack of evidence of a great influx of private American capital in the new republic has led to some misgivings among the people. It is already reported that a "small but influential" group of Manila businessmen are seeking to set aside some of the restrictive provisions, and that the Board of Directors of the Philippine Chamber of Commerce is sponsoring an amendment of the Bell Act providing for limited free trade. (10)

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In its handling of the Huk problem, the administration has laid itself open to serious question. The peasant guerrillas retained the arms which they had captured during the war, claiming the necessity of self-protection as it became evident that they were being not only discredited but hunted down. The landlords had organized private armies of their own, known as Civilian Guards; and the military police, made up of many former collaborators, engaged in a small-scale campaign against the armed peasants as "Communists" and outlaws who were seeking the overthrow of the government. Strife increased with Roxas's assumption of the presidency.

Shortly after being sworn into office, on July 28, 1946, President Roxas met with peasant leaders from Central Luzon, to map out a solution of agrarian problems and restore peace in that part of the country. He agreed to check Military Police atrocities, and to sign a new crop sharing agreement on a 70-30 basis - a measure which was later passed but which has not been complied with in many instances. However, M.P. raids continued, and the first year of the Roxas administration was marked by constant fighting and by much more bloodshed than is generally realized, even within the Philippines.

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(9) American Chamber of Commerce Journal, July 1946, "A Filipino Looks at the Rehabilitation and Trade Acts", by J. Puyat.

(10) Christian Science Monitor, August 11, 1947.

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Certainly the Huks have not been blameless, and there is reason to believe that their morale has deteriorated seriously. There has not been, however, sufficient recognition of the basic causes for the origin of the movement, nor has there been much hard evidence that the administration is endeavoring to institute any thorough-going social reform. The current Communist scare in many parts of the world has strengthened the hand of the administration against the so-called "Communists" of Luzon. A recent official survey of the situation purports to have found much Soviet and Communist literature in the area. On the other hand, the Huks declare that "the military police, the Civilian Guards and some...provincial and municipal officials have trampled to the dust our constitution and suppressed every democratic right of the peasants -- to crush, not lawlessness and banditry, but the vanguard of the Nation's peasant movement, the Hukbalahap Veterans and the National Peasants Union." (11)

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The suppression of the Huks appears to be related to the collaboration issue. As a group whose resistance to the Japanese has not been questioned, the Huks were the most dangerous witnesses to the collaborationist activities of the old party leaders. While the trials of the most prominent puppet figures were under way, the most valuable witnesses of the prosecution were unable to testify, not daring to come out of hiding and run the gauntlet of the M.P.'s and the civilian guards, many of whom were themselves among those who aided the enemy.

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The Philippine Civil Liberties Union and the Philippine Lawyers Guild have protested against large-scale arrests of persons and searches of homes without warrants or charges, and mass arrests of members or suspected members of organizations such as the Peasants Union, the Huks, the Democratic Alliance and the Congress of Labor Organizations. The legality of these acts has never been placed before the bodies with the constituted authority to rule on the question. Thus under the present administration the rights of the minority party have been infringed, civil liberties have been suspended on numerous occasions, and the government has resorted to force as its immediate solution for the agrarian problem.

One of the most surprising and contradictory factors in the current Philippine scene is the fact that freedom of speech and of the press have not yet been greatly jeopardized. There have, however, been attempts of the administration to woo Manila's popular "Town Hall" to the adoption of non-controversial subjects for its popular discussions, and to restrain some of the most vocal oppositionist newsmen by offering them government posts. Traditional liberty of the press has thus far, however, been zealously guarded by the members of the fifth estate, and Philippine delegates to the United Nations have been most ardent advocates of measures to ensure freedom of the press to all the world.

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A recital of the positive accomplishments of the Roxas administration is largely one of agreements with the United States, interpreted by most Americans as a testimonial to our good faith in assisting the Philippines to attain and maintain its independence; by some Filipinos, and by many other countries, as a measure of the extent to which the Philippines has failed to attain complete freedom. That the United States was under a serious obligation to help the islands recover from the mortal blows of the war, one can hardly question. The question is the extent to which the present program will aid not only reconstruction but long-range economic development.

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(11) *Far Eastern Survey*, Oct. 9, 1946.

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By the Philippine Rehabilitation Act of 1946, the United States provided for the establishment of a War Damage Commission, with two Americans and one Filipino member, empowered to pay $400 million in war-damage claims; stipulated the granting to the Philippine Government surplus property to the value of $100 million; and authorized various United States agencies to spend over $120 million in actual rehabilitation and in a five-year program of training Filipinos. Substantial progress may be reported in these activities, but the handling of surplus property has created one of the most unpleasant scandals in the Philippines. According to one newspaper report, the Philippine Surplus Property Commission has estimated that losses from looting and pilfering might run as high as 70 per cent of money values of goods it had expected to sell.(12) Goaded by congressional disclosures and press criticism, President Roxas has ordered an investigation of the entire matter.

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Facing immediate financial difficulties the Philippine Government appealed to the United States and was able to secure, through the Reconstruction Finance Corporation, a loan of $70 million of an authorized total of $75 million. A Joint Philippine-American Financial Commission studied the financial situation of the new Republic in the early months of 1947, with particular attention to President Roxas's request for a loan of $400 million from the United States to meet budgetary needs over the next five years. The Commission after a thorough study, found that the Philippines had sufficient financial reserves and foreign exchange to meet its own fiscal problems. It recommended a tightening of tax administration, increases in tax rates, a program of domestic borrowing, the establishment of a central bank and managed currency, and concluded that the Philippines could finance itself by 1948 without additional loans from the United States. President Roxas has already announced that improvements in domestic and foreign trade and in tax collections will enable him to balance the budget of some $150 millions in 1948.

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The matter of security has caused much controversy since the Hare-Hawes-Cutting Bill was first drafted. Public Law 380 authorized the President of the United States to make such arrangements for bases in the Philippines "as he may deem necessary for the mutual protection of the Philippine Islands and of the United States." When the President signed this Law on June 29, 1944, he said:

> ".......the present organic act (Tydings-McDuffie Act) permitted acquisition only of naval bases and fueling stations, a situation wholly inadequate to meet the conditions of modern warfare. The measure approved today will permit the acquisition of air and land bases in addition to naval bases and fueling stations. I have been informed that this action is most welcome to Commonwealth authorities and that they will gladly cooperate in the establishment and maintenance of bases both as a restored Commonwealth and as an independent nation. By this we shall have an outstanding example of cooperation designed to prevent a recurrence of armed aggression and to assure the peaceful use of a great ocean by those in pursuit of peaceful ends." (13)

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(12) New York Times, August 6, 1947.

(13) New York Times, June 30, 1944: Dept. of State Bulletin, Vol. XI, July 2, 1944.

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President Quezon, who was still alive at that time, his successor, President Osmena, and later President Roxas, all officially welcomed the proposal for military bases in their country to assure mutual protection to the United States and to the Philippines. The Commonwealth Congress, on June 22, 1945, authorized the Philippine President to conduct negotiations with regard to such bases. The long drawn-out negotiations, carried on in the greatest secrecy, resulted in frank and often unfavorable comment in the Philippine press. There was much public criticism of the large number of American bases reportedly being requested — over seventy, according to many press stories.

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In his defense of the arrangement, President Roxas declared that if the Philippines withdrew from such an agreement, it would be sacrificing its "national security on the altar of a mistaken sense of dignity. We would then be faced by the problem of assuming alone our national security." Pointing out that the Philippine Republic was training an army of only 12,000 men, he expressed thankfulness that the young country was not called upon to maintain a large and costly defense force." (14)

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Although the majority of Filipinos, official and private, raised little objection to the principle of the base agreement, there was much vocal and printed criticism of the magnitude of United States' demands, and of the location of some of the suggested sites, principally in the Manila area. A few more thoughtful commentators raised the question of the relation of such bilateral arrangements to the system of security envisaged under the United Nations; and there was an occasional voice that raised the possibility that such bases in the Philippines might eventually prove to be an invitation to attack rather than security against aggression. However, one offer on the part of the United States to withdraw altogether met with such instant disfavor on the part of officials and citizens alike that it was apparent some mutually satisfactory arrangement was desired by the Philippines no less than by the United States. The base agreement was approved by a vote of 18 to none by the Philippine Congress on March 26, 1947, three senators abstaining from voting.

The one provision in the agreement which may cause future complications, and which has already produced the cry of "extraterritorial rights" in the Philippines, is the one which grants United States authorities jurisdiction over offenses committed within the bases, and Philippine authorities jurisdiction over those committed outside, with certain exceptions.

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Authorization was also given by the United States Congress (Public Law 454, June 26, 1946) to the President of the United States to provide military assistance to the Philippine Republic "in establishing and maintaining national security, and to form a basis for participation by that government in such defensive military operations as the future may require." The consequent military assistance agreement was signed on March 21, 1947, by the United States Ambassador and President Roxas. For the Philippine Army, over $38 millions has been set aside for 1948, well over half of this sum to be spent on the Military Police.

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(14) Address to University of Philippines Alumni Association, Sept. 28, 1946, and address before Philippine Bar Association, October 12, 1946.

VI. UNITED STATES ECONOMIC POLICY.

175 648 439 In no other field has there been so much controversy about United States-Philippine relations as in the field of economic relations. The history of that relationship, and its current evolution, are of vital importance in any consideration of the development of the new Republic.

175 648 439 471 [454] America's economic relations with the Phillipines have gone through many stages of development and have been governed, successively, by numerous tariff bills and Acts of Congress. Notwithstanding the complexity and variety of legislative expressions, the economic relationship that has emerged is a relatively simple one. After the acquisition of the Philippines, American capital went to the Islands and played a large part in the exploitation of the rich hemp, sugar, coconut, tobacco and mineral resources of the archipelago, as well as in its trade and commerce. Pre-war American investments in the Philippines were estimated at $258,564,000.

648 439 175 Light on the overall United States economic policy in the Philippines was shed by a memorandum to the House Ways and Means Committee on the Philippine Trade Act of 1946 by Congressman C. Jasper Bell, chairman of the Insular Affairs Committee of the House:

> "Since 1909, the economy of the Philippine Islands has been effectively tied to that of the United States. This was accomplished by the establishment of free trade between the two countries. This was done over the protest of the Filipino people through their representatives in the Philippine Assembly which, on March 27, 1909, adopted a joint resolution petitioning Congress not to establish free trade on the ground that: 'Free trade between the United States and the Islands would in the future become highly prejudicial to the economic interests of the Philippine people and would bring about a situation which might hinder the attainment of the independence of the said people.'
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> "The fears expressed in that resolution have been justified, because as a result of the establishment of free trade between the two countries the Philippines became almost entirely dependent upon United States markets for the disposition of their products. This made more difficult the assumption of an independent status by the Philippines."

Paul V. McNutt, then High Commissioner and later the first United States Ambassador to the Philippine Republic, was remarkably frank in explaining the essence of American economic policy in the Philippines in a statement he made at the hearings of the House Ways and Means Committee. He declared in his testimony on February 15, 1946:

> [423] "In the Philippines the national economy was geared before the war entirely and completely to export trade. And 95 per cent of that export trade was with the United States. Except for rice and fish, which are locally consumed, 98 per cent of all other production in the Philippines, amounting to $266,000,000 in 1941, is produced for export......And I might and should say here and now that we, the United States, managed it that way. We are responsible for the sole dependency

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> of the Philippines on the American market. Our businessmen and our statesmen in past years allowed the Philippines to become a complete economic dependency of the United States to a greater degree than any single State of the Union is economically dependent on the rest of the United States."

Perpetuation of the so-called Free Trade system that had transformed the Philippines into an economic as well as a political dependency of the United States in the past, would be inconsistent with the realization of the full and true independence of the Philippines. This central point had been stressed by spokesmen of the Filipino independence movement and by American authorities. Francis B. Sayre, for six years Assistant Secretary of State charged with the negotiation of American trade agreements and American High Commissioner to the Philippines from 1939 until the Japanese occupation of the country, raised this question sharply in an article in The Atlantic Monthly of March 1945.

> "If the Filipino people are ever to have the independence which they crave, clearly their fundamental economy and means of livelihood must be free from dependence upon changeable legislative majorities in the United States Congress. Political independence without economic independence would be a mockery. Furthermore, if stable foundations are to be built for a lasting world peace, the post-war trade arrangements must be built upon the equality of commercial treatment to all and not upon special trade preferences and discriminations. If the United States grants and receives exclusive preferential treatment in areas with which it has close political ties, it would be difficult for us successfully to oppose Imperial and Dominion preferences in the British Empire and elsewhere ....
> "Because the present economic dependence of the Filipinos upon the United States is largely of our own making and because it is to our own interest to build for future stability in the Pacific, the Filipino people must be given their independence under such conditions as will assure them sound economic foundations for their future."

In spite of this recognition of the shortsightedness of past economic policy, the legislation adopted by the United States Congress in 1946 to regulate trade with the Philippine Republic simply sought to perpetuate the previous relationship. This represented a real victory for the economic interests with holdings in the Philippines — a reversal of the situation at the time of the passage of the Independence Act, when those American groups fearing competition from Philippine products were wielding more influence.

The Philippine Trade Act of 1946 is based on the principle of a prolonged period of free and preferential trade, and perpetuates the economic dependence of the Philippine Republic on the United States. The Act established exclusive preferential treatment for the United States in such extreme terms that the amendment of the Constitution of the Philippines was required, despite the protection of American property rights afforded by the Constitution. Article XIII, Section 1, of the Constitution provided:

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> "All agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy and other natural resources of the Philippines belong to the State, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty per centum of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the Government established under this constitution."

Article XIV, Section 8, further provided that:

> "No franchise, certification or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or other entities organized under the laws of the Philippines, sixty per centum of the capital of which is owned by citizens of the Philippines..."

Section 341 of the Philippine Trade Act of 1946, however, provides:

> "The disposition, exploitation, development, and utilization of all agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces and sources of potential energy, and other natural resources of the Philippines, and the operation of public utilities, shall, if open to any person, be open to citizens of the United States and to all forms of business enterprise owned or controlled, directly or indirectly by United States citizens."

The Act establishes gradually declining Free Trade relations until July 3, 1974. During this period absolute quotas are imposed on Philippine sugar, cordage, rice, cigars, tobacco, coconut oil and buttons. These quotas are to be allocated annually to the manufacturers in the Philippines in the calendar year 1940 or their successors in interest. This provides a protected position to the American interests already established as of this date, and penalizes newcomers, American as well as Filipinos. Furthermore it is provided (Sect. 504, Title V) that additional quotas may be imposed on any article "coming or likely to come" into substantial competition with a United States product, an implied threat to industrialization for export. The Act (Sec. 342) ties Philippine currency to the U.S. dollar as a further preferential American condition.

The insistence upon adoption of the Trade Act by the Philippine government is quite harshly reflected in the Philippine Rehabilitation Act of 1946 (Title VI, Sec. 601) which provides that no payments in excess of $500 shall be made until an executive agreement, in accordance with the terms of the Trade Act, shall have been entered into between the President of the United States and the President of the Philippines. Thus the Philippine Trade Act of 1946 tends not only to perpetuate the pre-war agricultural economy, it ties Philippine political sovereignty with economic strings.

President Roosevelt, before he died, had given his approval to a policy that envisaged a break away from prolonged free trade, as outlined in a report prepared by the Executive Committee on Economic Foreign Policy, and as reported to the House Ways and Means Committee by the Deputy Director of the Office of

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International Trade Policy. The Act approved by Congress and signed by President Truman on April 30, 1946, was a compromise between the position adopted by President Roosevelt and the Executive Committee on Economic Foreign Policy, and the original Bell Bill, later adjusted, which had provided for 20 years of duty-free trade.

The exclusive preferential privileges for the United States incorporated in the Act have proved embarrassing to the State Department. Assistant Secretary of State Clayton called the attention of the Congressional Committee to the fact that the Act would force the Filipinos "to give American citizens special rights which we cannot give to Philippine citizens. Moreover, the bill ties the hands of the Philippine Government in allocating quotas for certain products ...... Not only does this deprive the Philippine Government of a sovereign prerogative, but it has the effect of giving pre-war producers a virtual monopoly for 28 years of most important Philippine exports. It would enable them to prevent the investment of capital by new American enterprises in these important export industries, and new Philippine producers would not be able to compete freely in their own country. These provisions should be eliminated."

Secretary of State Byrnes and Secretary of Commerce Wallace at the time likewise expressed opposition to these provisions, which were nevertheless embodied in the final Act.

The Commonwealth Government of the Philippines, whose Resident Commissioner, Carlos P. Romulo, was present at the U.S. Congressional hearings on the bill in its various forms, approved it and urged its passage. But there were some aspiring Filipino industrialists, important sections of the middle class, and the organized peasant and labor movements in the Philippines that opposed the Act strenuously.

When Roxas, newly elected President, reported on the Act to the Philippine Congress on June 21, 1946, and proposed its approval of the Executive Agreement required by the Trade Act, he said in part:

> "The Trade Act and some of its provisions have been under violent attack in some parts of the press and in some public circles during the past two months.....There are perhaps some plausible arguments against some portions of the Philippine Trade Act. If I had been permitted to promulgate it by personal edict, it would have been different in many respects from the Act we are considering today........."

Referring to Section 341, the so-called "parity" provision, he further stated:

> "Had I been in Washington at the time, I would have vigorously protested against its unilateral quality and, had it been insisted upon, I would have suggested other means of accomplishing the same objective......Today we are faced by the fact that section 341 is a part of the Trade Act. If I could, I would remove it, not because of the alleged dangers it holds for us.... I believe these to be non-existent....

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but rather because of the manner and form in which it is included......I have no fear whatsoever that the granting to American citizens of rights equal to those of Filipinos in the development of our natural resources will bring about an imperialistic exploitation of our country. This was not the intention of Congress. I am certain it will not happen.

"It is perhaps too distant in the past for most of us to remember, but it is most interesting to note, that the provision in our Constitution protecting our natural resources from exploitation is not of Filipino but of American origin. The prevention of this exploitation has been the constant concern of the American Government from the very beginning of the occupation in 1898.......

"The equal rights provision was not designed as a protection for American interests already here — it is intended to reassure potential investors that the Philippines is a safe area for enterprise, safe against discrimination for the next 28 years. Every responsible Filipino leader I know desires American capital enterprise, and know how, to participate actively in our reconstruction. Our rehabilitation would be impossible without such assistance.......

After a thorough description and defense of the Trade Act, the President concluded:

"I sincerely believe that we have only one choice, and that is to accept it. Let me point out to the Congress, that were we to be actuated by partisan considerations, the majority party might oppose this legislation. We are not responsible for it. We had nothing to do with its formulation or passage. But we do not intend to take a partisan attitude toward a question which involves our national existence......."

The Executive Agreement to carry out the terms of the Philippine Trade Act was subsequently signed in Manila on July 4, 1946, with the approval of the Philippine Congress, was proclaimed by President Truman on December 17, 1946, by President Roxas on January 1, 1947, and the trade agreement went into force on January 2, 1947. The acceptance of the parity provision has already been described.

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Having molded its program to fit American interests, the Roxas administration faces a dilemma; how to reconcile the demands of foreign capital with those of local business, how to keep the economy unfettered by economic controls and yet provide the stability required by prospective investors. As a result of the long-standing program of "Filipinization" and the steady steps towards political sovereignty, the transition from United States to Philippine administration was smooth. Less simple is the process of self-government in economic affairs. The legislation outlined provides limits to economic action, but within that framework nonetheless there lie several alternative paths.

The Philippines is today in a unique position in the world economy. A small, undeveloped agricultural country, it enjoys a most advantageous

433 financial position, as the result of large postwar American dollar expenditures
and commitments. It has been estimated by the Joint Philippine-American
471 Finance Commission that these will exceed three billion pesos in the years
from 1945 -50. They arise from two major sources. (1) compensation to
175 the Philippine Government and people for war services and war losses, in
payment of obligations undertaken by the United States, and (2) American
expenditures in fulfilment of her own current military objectives in the
Pacific, including maintenance of bases and armed forces. As a result
the Philippines, during the next few years, will have available to it
sufficient foreign exchange to buy approximately double the amount of goods
and services it could earn from exports alone. This opportunity challenges
the Philippine Government to use the coming period to set its house in
order and to lay the basis for industrialization and diversification,
before the beginning of declining preferences in United States trade,
scheduled for 1954, adversely affects her world position.

433 The report of the Finance Commission faces this question and makes
several recommendations. These include the need to channel a higher
185 proportion of income into investment, rather than consumption, to avoid
inflated prices, to finance current budgetary expenditures from taxation
175 and domestic borrowing, to conserve foreign exchange for economic development
and limit luxury imports, and to institute a central bank which could issue
a managed currency. While all of these recommendations are theoretically
possible within the framework of existing legislation, they assume a political
stability which does not in fact exist. Similarly in proposing a program
of industrialization and agricultural development, the administration reflects
conflicting motives. Emphasis on reconstructing the pre-war economy and
uncertainty on the role of government in industry all inhibit action. And
while there are many reasons for this indecision, including the aftermath
of the wartime destruction and the undeveloped state of resources, it is due
in large measure to attempts on the part of the Philippines to achieve
the impossible end of having its foreign cake, and eating its domestic
one as well.

666 The recent elections in the Philippines was a strenuous test for the
democratic process in the Young Republic. The results of the voting have
667 less significance, perhaps, than the interest and concern including wide-
spread protests at alleged fraud and corruption, which were aroused. The
175 ferment of political activity must reflect strong popular feeling, and
is a hopeful sign for the eventual working out of democratic procedures.

The election, scheduled for November 11, 1947, was held for the purpose of selecting of a formidable number of officials, including 8 Senators, 50 Provincial Governors, 1,130 Mayors, 250 members of Provincial Boards, and 7,000 members of Municipal Councils. Press reports anticipated an easy 6-1 victory for the Liberal Party, of President Roxas, but nonetheless widespread violence was expected. By October 4, nine persons had been killed and one abducted in the course of local campaigning; on November 6 it was reported that one Congressman was ordered arrested for sedition, another shot, and a third sued for libel. On November 10, President Roxas put the entire province of Cavite under Army control after the mayor of one of the town was wounded by the chief of police. The toll of political shootings had accounted for 30 lives by that time, and the Interior Department had placed 23,000 national police in strategic locations.

But in spite of pressure and police vigilance, popular reactions were

175 vigorous and universal. Early returns gave a surprising and totally
unexpected lead to the opposition Nacionalista candidates, particularly
666 in the Manila area, but as returns from outlying provinces began to come in,
President Roxas' party gained strength. With about 60 per cent of the
567 votes counted, however, the Nacionalista Party led the Liberals by a
total of 1,103,296 to 1,059,393 and seemed to feel sure of victory.

Delays in releasing results were sharply criticized in Manila by
the Nacionalista Party President Eulogio Rodriguez, who told the
667 *Manila Bulletin* on November 14, "The tactics of withholding and delaying
release of the final returns, especially in the Liberal-controlled
provinces, until a close estimate of the Nacionalista votes can be made,
175 are highly suspicious." A Nacionalista congressman from Cebu stated
that the names of thousands of Nacionalista voters had been stricken from
the registration census, and replaced by names of dead Liberals, and
assemblyman Mindalano from the Lake Lano region charged that the Liberal
party inspections there turned opposition voters away from the polls,
These were typical of numerous charges.

On November 15, indignation was again expressed by the refusal of Manila's mayor, Valecano Fugoso, to issue a police permit to Nacionalista leaders for a mass protest meeting against alleged nation-wide frauds, on the grounds that such a gathering might incite "violence and bloodshed". On November 17 the opposition party conceded defeat, despite the fact that one of their candidates, Camilo Osias, led the field in the Senatorial race, that they had carried provincial and municipal leadership in many regions and that the election count was still continuing. Two days later President Roxas rejected the proposal of minority leaders to create a body to investigate charges of fraud, on the grounds that this would be a transgression of the authority of the election commission.

The opposition rally was finally held in Manila on November 22, and attended by 75,000 persons. The meeting, according to the *New York Times* press correspondent in Manila, amounted to a "mass revolution" against graft, corruption, and fraud. At the same time, military police were alerted in various parts of the country.

In part this election protest and opposition vote may be characterized as the usual blaming of the "ins" by the "outs", common to politics everywhere. In actual fact, political issues were somewhat obscured by the uneven character of the candidates, and the uneasy sort of coalition that supported them. For example, the Osias leading Nacionalista in the senatorial race, was a former collaborator and Minister of Education in the puppet cabinet. The lack of clearly defined policy issues and the grab for personal political power are evident, but the significance of the elections should not be underestimated. The gathering together of 75,000 Filipinos in Manila in a mass indignation meeting surely reflects strong dissatisfaction with the conduct of the present regime, and this uneasiness is by no means confined to the cities. It is probable that unsettled economic conditions and delays in reconstruction have contributed to unrest in the Philippines. The Filipinos, in their evolution toward real sovereignty, are confronted with the difficulties of mechanical applying Western style voting procedures in a country with a large percentage of illiteracy, a semi-feudal economy, and a strong internal army and militia. On the other hand they are becoming increasingly aware of the democratic forms of political protest as a means for effecting change.

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A balance sheet of America's record in the granting of independence to the Philippines is not easily arrived at and cannot hope to be definitive. On the positive side, it may be said that a form of independence has been granted on schedule, and that the United States is dispatching some of its obligations in assisting the new nation to recover from the effects of the war through the Rehabilitation Act and through special trade arrangements. It is carrying out President Roosevelt's promise of December 28, 1941, that the independence of the Philippines would be "protected", through the military base and military assistance agreements.

On the negative side, it is apparent in the terms of United States economic legislation that these aids are conditioned on provisions that infringe seriously upon the national sovereignty of the Philippines in the interest of a very limited group of American investors and businessmen. Whether or not the new Republic profits by these arrangements, a better informed generation in coming years is not likely to overlook the unilateral manner in which the United States imposed these benefits.

Today, at perhaps the very apex of its power, the United States may feel that it can afford to ignore the implications of the Philippine situation. In coming years, as the peoples of Asia move further along the path of freedom from the political and economic ties with the West, the American people may learn at what great price to themselves and the prestige of their country they allowed the Philippine pattern of freedom to be distorted.